

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DIGI PORTAL LLC,

Plaintiff,

v.

LONELY PLANET GLOBAL, INC.,

Defendant.

C.A. NO. _____

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Digi Portal LLC files this Original Complaint for Patent Infringement against Lonely Planet Global, Inc. and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Digi Portal LLC (“Digi Portal” or “Plaintiff”) is a Texas limited liability company with its principal place of business at 101 E. Park Blvd, Suite 600, Plano, Texas 75074.

2. On information and belief, Defendant Lonely Planet Global, Inc. (“Defendant”) is a corporation organized and existing under the laws of Delaware, with a place of business at 230 Franklin Rd, Building 2B, Franklin, Tennessee 37064. Defendant has a registered agent at The Corporation Trust Company, Corporation Trust Center, 1209 Orange St. Wilmington, DE 19801.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged

herein. Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant is a Delaware corporation.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Delaware. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Delaware. Defendant has committed such purposeful acts and/or transactions in Delaware such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant is incorporated in Delaware. Under the patent venue analysis, Defendant resides only in this District. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 8,352,854)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On January 8, 2013, United States Patent No. 8,352,854 ("the '854 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '854 Patent is

titled “Dynamic Page Generator.” The ‘854 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 1270 days. (Ex. A). A true and correct copy of the ‘854 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. Digi Portal is the assignee of all right, title and interest in the ‘854 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘854 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘854 Patent by Defendant.

11. The application leading to the ‘854 patent is a continuation of U.S. application Ser. No. 11/656,636, filed Jan. 22, 2007, which is a continuation of U.S. application Ser. No. 09/393,718, filed Sep. 10, 1999, which is a continuation of U.S. application Ser. No. 08/873,975, filed Jun. 12, 1997. (Ex. A at cover). The ‘854 patent was first assigned to Yahoo! Inc. (*Id.*).

12. The invention in the ‘854 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:26-30).

13. Web servers for serving static web pages were well known in the global Internet. (*Id.* at col. 1:31-32). Such static web pages are useful in many applications whether the information presented to each requesting user is the same. (*Id.* at col. 1:32-34). However, some applications require customization to appeal to users. (*Id.* at col. 1:34-35). One example is presenting news to users. (*Id.* at col. 1:35-37). When static pages are used, a user will often have to scroll through many topics not of interest to that user to get to the information of interest. (*Id.* at col. 1:37-40). However, when presenting news to users, customized web pages present

news that is more relevant to the requesting user than static pages because the information is filtered according to each user's interest. (*Id.* at col. 1:35-37, 40-41).

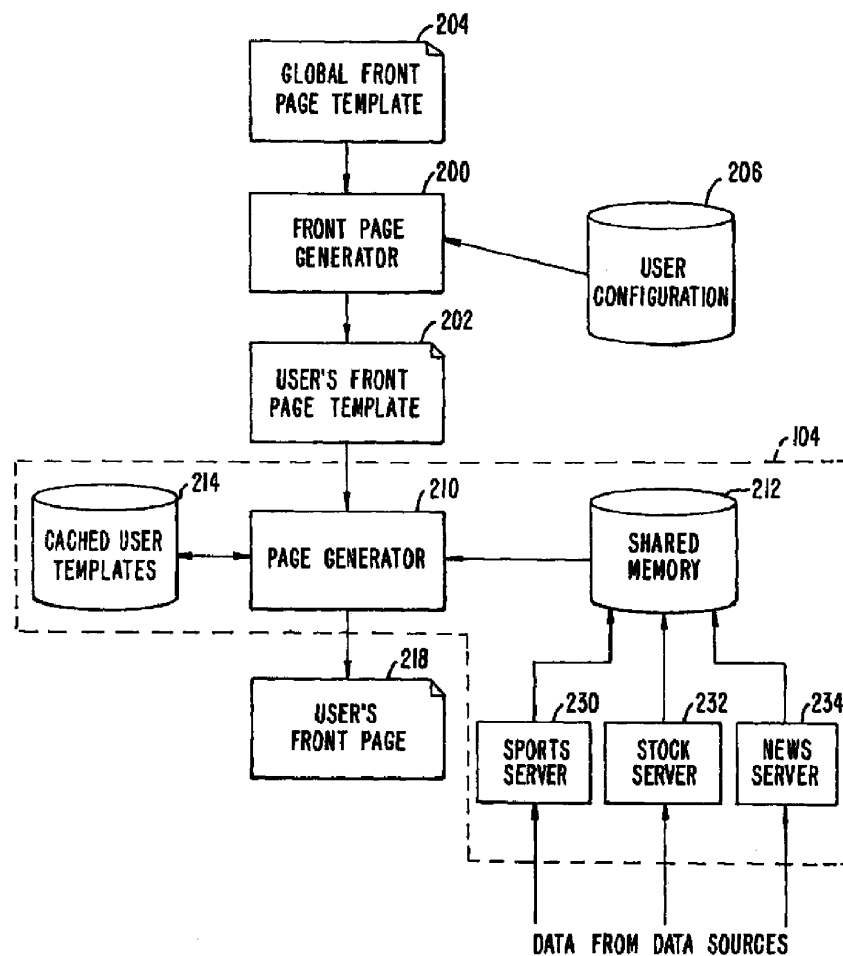
14. Customizing a server response based on the requester is known; however, known systems do not scale well. (*Id.* at col. 1:42-43). One method of serving custom pages is to execute a script, such as a Common Gateway Interface (CGI) script or other program to collect the information necessary to generate the custom page. (*Id.* at col. 1:43-47). For example, if the custom page is a news page containing stock quotes, sports scores and weather, the script might poll a quote server to obtain the quotes of interest, poll a sports score server to obtain the scores of interest and poll a weather server to obtain the weather. (*Id.* at col. 1:47-51). With this information, the server generates the custom page and returns it to the user. (*Id.* at col. 1:51-52). This approach is only useful where there are not many requesters and where the attendant delay associated with polling various servers to obtain the requested information is acceptable to users. (*Id.* at col. 1:53-54). Growing impatience with waiting will turn users away from such servers, especially as use increases. (*Id.* at col. 1:54-58).

15. One approach that was used in the prior art to avoid long waits is to transfer the custom information in non-real-time, so that the information is stored local to the user as it arrives and is presented to the user on request. (*Id.* at col. 1:59-62). A disadvantage of such a system is that the networks used by the user become clogged with data continually streaming to the user and require large amounts of local storage. (*Id.* at col. 1:62-65). Another disadvantage is that the locally stored information will become out of date as the server receives new data. (*Id.* at col. 1:65-67).

16. The inventors therefore recognized that there was a need to dynamically generate customized pages in an unconventional manner that solved the technical problems in the prior art

of long transfer times to obtain the requested information or having to rely on continually transferring custom information in non-real time which can clog the data network in addition to providing outdated information. (*Id.* at col. 1:42 to col. 2:2).

17. The following is a discussion of non-limiting examples of the claimed invention discussed in the specification of the '854 patent. The '854 patent provides a non-limiting exemplary diagram of the generation of a custom page for a user, using a front-page generator (200) and page server (104) (*Id.* at col. 3:58-60):



(Ex. A at Fig. 2). Front page generator (200) generates a user template (202) from a global front page template (204) and a user configuration record (206). (*Id.* at col. 3:58-62). A non-limiting example of a global front page template is provided in the '854 patent:

```

<html>
<head>
<title>My Yahoo! news summary for <!-- login --></title>
</head>
<body>

<center>
<!-- banner:sum -->

<!-- ad -->
<!-- nav bar --> ~ 302
</center>

<table border=1 cellpadding=4 cellspacing=0 width=100%>
<tr><td align=center valign=top width="1%">
<!-- leftside:nsum --> ~ 302
<p></td>
<td align=center valign=top width="100%">
<!-- mode bar:"FRONT PAGE" -->
<!-- channel:nsum --> ~ 302
</td></tr>
</table>

<center>
<table border=1 cellpadding=2 cellspacing=0 width=100%>
<!-- motd:motn.html -->
</table>
</center>
<!-- search -->

<!-- copyright:sum -->

</body>
</html>

```

204

(Ex. A at Fig. 3). The global user template (204) is an HTML (HyperText Markup Language) document with additional tags as placeholders for live data. (*Id.* at col. 5:16-19). Several placeholders (302) are shown in the code. (*Id.* at col. 5:19).

18. A user configuration record (206) is a record selected from user configuration database (116). (*Id.* at col. 3:63-64). User configuration information includes user demographic information, such as sex, age, location, stock quotes, favorite sports teams, news topics, etc. (*Id.* at col. 2:13-14, col. 5:45-50, col. 6:37-39, 46-48, 52-56). The user configuration information in the example may not change until the user changes his or her preferences. (*Id.* at col. 5:33-35).

19. The '854 patent provides an illustration of a user template (202) as might be generated from global user template (204) and a user configuration record (206):

202

```

    <!-- timezone:-8,PT 0 -->
    <!-- ad:M,85,95035,T,* 792 -->
    <!-- portfolio:Quotes,pf_1,1,^DJI,^NYA,^IXIC,^SPX,^XAX,YHOO,NSCP,IOM,NSCP,YHOO
404 { 2836 -->
    <!--
    scoreboard:NCAAFSSC,NHLSAN,MLSSAN,NCAAFSSS,ALOAK,NBAGSW,NFLOAK,NCAAFCCD,NFLSFO
    ,NLSFO 3803 -->
    <!-- weather:f,30901,uk_londo,94601,95101 4368 -->
    <!--
    mode_bar:"FRONT_PAGE",.hier=News+Summary%3aEdit&.done=http://my.yahoo.com/news
    /summary2:3,rt,rw,z0000,mlb,re,vf 4597 -->
    <!-- motd:us_motn.html 4696 -->
    <html>
    <head>
    <title>My Yahoo! news summary for ash802</title>
    </head>
    <body>

    ...

    </body>
    </html>

```

(Ex. A at Fig. 4). The user template is unique because it is built based on user demographic information provided by the user, as opposed to generically chosen dynamic information or based on information provided by the server. Exemplary demographic information is shown in line 2 of Fig. 4 (“:M,85,95035,T,*”) indicating that the user is a male, age 85, located in zip code 95035, etc. (*Id.* at col. 5:42-45). The ‘854 patent includes a full listing of the non-limiting exemplary user template of Fig. 4 in Appendix A. (Ex. A at col. 2:57-58; col. 5:22-23).

Listing of a User Template

```
<!-- time:zone -8,P1 0 -->
<!-- ad:M,85,950,35,T,* 792 -->
<!--
portfolio:Quotes,pf_1,1,"DJL","NYA","IXIC","SPX","XAX,YHOO,NSCP,IOM,NSCP,YHOO
2836 -->
<!--
scoreboard:NCAAFSSC,NILSAN,MLSSAN,NCAAFSSS,ALOAK,NBAGSW,NFLOAK,NCAAFCCD,NP
LSFO,NLSFO 3803 -->
<!-- weather:f,30901,uk londo,94601,95101 4368 - - >
<!--
mode_bar:"FRONT_PAGE1",hier=News+Summary%3aEdit&.done=http://my.yahoo.com/
news/summary.html?v 4538 -->
<!-- summary:2,3,rt,rw,z0000,mlb,re,vf 4597 -->
<!-- motd:rus_motn.html 4696 -->
<html>
<head>
<title>My Yahoo!news summary for ash802</title>
</head>
<body>

<center>
<map name="top"><area shape=rect coords="0,0,45,66"
href="/news/summary.html?v"><area shape=rect coords="45,0,90,66"
href="/internet/directory.html?v"><area shape=rect coords="90,0,135,66"
href="/contacts/white_pages.html?v"><area shape=rect coords="135,0,346,66"
href="/myHome"><area shape=rect coords="346,0,389,66"
href="/help/news/summary.html"><area shape=rect coords="389,0,431,66"
href="http://edit.my.yahoo.com/config/eval_profile"><area shape=rect
coords="431,0,477,66" href="http://edit.my.yahoo.com/config/toffly">
</map>
<center><a href="/bin/top_menu"></a></center>

<p>
<center><form action="http://search.my.yahoo.com/search/my"> <font
size="-2">[ <a
href="http://edit.my.yahoo.com/config/set_attr?attr=sloc&value=b&.done=htt
p://my.yahoo.com/news/summary.html?v">move to bottom</a> ] </font><input
size=25 name=p> <font size="-1">&nbsp;   <input type=submil
value=Search><input type=hidden name=n value="25"> &nbsp;   <a
href="http://search.my.yahoo.com/search/my/options">Options</a></font> </fo
rm></center><p>
<center>
<table border=0 cellpadding=0 cellspacing=2>
<tr>
<td align=center><font
color="#000000"><b>Sections:</b>&nbsp;   &nbsp;  </font></td>
<td align=center bgcolor="#dcdcdc"><font
color="#000000"><b>Front&nbsp;   Page</b></font></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a href="/news/business/summary.html?v">Business</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a
href="/news/portfolio_summary.html?v">Portfolios</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a
href="/news/entertainment/summary.html?v">Entertainment</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a href="/news/sports/summary.html?v">Sports</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a
href="/news/technology/summary.html?v">Technology</a></td>
</tr>
</table>
</center>
</center>
<table border=1 cellpadding=4 cellspacing=0 width="100%">
<tr><td align=center valign=top width="1%">
<a
href="http://edit.my.yahoo.com/config/eval_left?mode=left_nsum&.done=http%
3a%2f%2fmy%2eyahoo%2ecom%2fnews%2fsummary%2html%3fv"></a>
<table border=0 cellpadding=1 cellspacing=0 width="100%">
<tr bgcolor="#dcdcdc"><td colspan=4 width="100%"><table border=0
cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><b><font
size="+1">P<font size="+0">ORTFOLIOS</font></td></tr></table></td></tr>
```



```

src="http://www.yahoo.com/images/my/logout.gif" alt="Change
User"></a></td>
</tr>
</table>
</center>
<map name=logout>
<area coords="0,0,50,68" href="/my/?http://www.yahoo.com/">
<area coords="51,0,100,68"
href="http://edit.my.yahoo.com/config/login?logout=1">
</map>

</body>
</html>

```

(Ex. B at Col. 7-11).

20. As shown in Fig. 2 of the '854 patent, the user template does not need to be generated each time and instead can be generated and stored. (Ex. A at col. 4:49-51, col. 5:23-32). One benefit of the claimed invention that speeds up the operation of the dynamic page generation is that the page can be stored in multiple locations that are based on the frequency by which the user requests the customized page based on the user template. (*Id.* at col. 5:37-38, col. 6:49-59). Some users might choose to access their user page infrequently, while others might choose to access their front page hourly. (*Id.* at col. 6: 52-54). For infrequent users, the user template is stored in a user configuration database, whereas for frequent users the user template may also be stored in cache. (*Id.* at col. 5:37-38, col. 6:51-59). Caching reduces the time to respond to a request for a page and is more effective where the typical user makes several requests in a short time span and then doesn't make any requests for a long period of time. (*Id.* at col. 5:29-32).

21. When the user template stored in cache, it may be stored long enough to be reused and may also be flushed from cache if the user page has been inactive for several days. (*Id.* at col. 6:49-52, 59-60). Even if it is flushed from cache, the user template can be maintained in the user configuration database, which can then be quickly accessed and stored in cache in the event a user may start to access the user page quickly. (*Id.*).

22. The custom user page can also include an advertisement that is selected based on the user demographic information. (*Id.* at col. 5:39-42). For example, using the demographic information “:M,85,95035,T,*”, an advertisement can be selected that is targeted for a male user, age 85, located in zip code 95035, etc. (*Id.* at col. 5:39-45).

23. Appendix B of the ‘854 patent is an HTML source code listing of an HTML page created from an executed user template that is used to generate a user customized browser web page. (Ex. B at col. 11 – col. 19).

24. As explained the ‘854 patent and prosecution history, there are unconventional and non-generic features of the claimed invention which are technical improvements that make the generation of dynamic web pages quicker, more efficient, and use less resources. By storing the user customized template program in two locations in which the location is determined by frequency, the system is more efficient and allows for a quicker response than the prior art. For example, by storing the user customized template in user configuration database and in cache, the dynamic generation of a user customized web page is more efficient and uses less resources of the server, database, and network, and allows for a quicker generation of the dynamic web page thereby allowing the server to scale in order to handle substantially more requests for user customized dynamic web pages. (*See* Ex. A at col. 1:42-67, col. 4:49-col. 5:15, col. 5:23-32). Furthermore, by caching the user template, the page can be generated entirely within a page server, thus conserving network and database resources. (*See id.* at col. 4:10-11, col. 5:23-32). By also storing the user customized template in a user configuration database, even if the cache is cleared, the template already exists in the database which then prevents having to regenerate a new user customized page from a global page template using a user configuration record thus saving database and server resources and more quickly generating the requested web page from

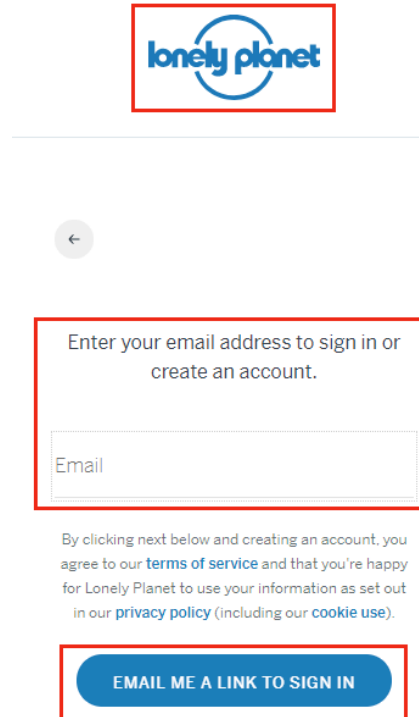
the user customized template. (*E.g.*, *id.* at col. 3:37-39, col. 4:1-11, 49-62). The storage of a user customized template program in at least two locations and the location determined from the frequency of the user request for the customized page was an unconventional and non-generic method for storing such templates and was not disclosed in the prior art. (Ex. C (Oct. 28, 2010 Resp. to Office Action) at 9).

25. Furthermore, the invention provides for more personalized web pages because the user provides user configuration information on which the user customized template is generated. (Ex. C (Oct. 28, 2010 Resp. to Office Action) at 9; Ex. D (Apr. 18, 2011 Resp. to Office Action) at 6). This was an unconventional way for generating a user customized template unique to the user that was not found in the prior art. (Ex. D (Apr. 18, 2011 Resp. to Office Action) at 6).

26. The patents related to the ‘854 patent and sharing the same specification were cited during the prosecution history of over 700 patents, including patents and applications owned by companies including Google, Inc., Microsoft Corporation, Amazon Technologies, Inc., Facebook, Inc., Ebay, Inc., Salesforce.com, Inc., IBM Corporation, Oracle International Corporation, Comcast Cable Communications, LLC, SAP AG, Citrix Systems, Inc., BEA Systems, Inc., Sprint Communications Company L.P., Siemens AG, AT&T Intellectual Property I, L.P., Hewlett-Packard Development Company, L.P., Fujitsu Limited, AOL LLC, General Electric Company, Accenture LLP, Adobe Systems Inc., Sony Computer Entertainment Inc., and Akamai Technologies, Inc. (See <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnetacgi%2Fsearch-bool.html&r=0&f=S&l=50&TERM1=5983227&FIELD1=UREF&co1=AND&TERM2=&FIELD2=&d=PTXT>).

27. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1-3, 8-10, and 15 of the '854 patent in Delaware, and elsewhere in the United States, by performing the claimed method, using the claimed computer-readable non-transitory medium storing computer instructions, and/or making and/or using the claimed system at lonelyplanet.com (“Accused Instrumentality”).

28. The Accused Instrumentality performs the step of receiving a user request for a customized page. For example, lonelyplanet.com receives a user request for a user customized page:



lonely planet

←

Enter your email address to sign in or create an account.

Email

By clicking next below and creating an account, you agree to our [terms of service](#) and that you're happy for Lonely Planet to use your information as set out in our [privacy policy](#) (including our [cookie use](#)).

EMAIL ME A LINK TO SIGN IN

(E.g.,

https://connect.lonelyplanet.com/oauth/authorize?client_id=foymu5r6sscxe&prompt=login&redirect_uri=https%3A%2F%2Fconnect.lonelyplanet.com%2Fsso&response_type=code&scope=openid&target_link_uri=https%3A%2F%2Fwww.lonelyplanet.com%2F).



San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

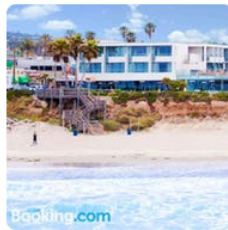
Free wifi · Free breakfast

Reviewed

\$32

Superb 9.2 out of 100
Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

Reviewed

\$239

Awesome 9.2 out of 10
booking.com

VIEW


(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

29. The Accused Instrumentality performs the step of receiving a template program (e.g., software instructions and data used for rendering a particular user's lonelyplanet.com page such as source code) that is unique to the user and based on user configuration information (e.g., source code will be specific to a user because the content can be modified by and/or customized for a user). The user configuration information is supplied by the user (e.g., a user defines the information the user's template will display by inputting information such as a location; a user can customize the content of their templates and what will be rendered and displayed using the templates by entering information such as a location) and used to build the template program that is unique to the user (e.g., user profile and user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's

specific page). The following screenshots demonstrate the result of the Accused Instrumentality satisfying these limitations:

Top
Attractions
Hotels
Activities
Restaurants
Tours
Entertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi · Free breakfast


 *Reviewed*

\$32

Superb 9.2 out of 100

Hostelworld

VIEW




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10

booking.com

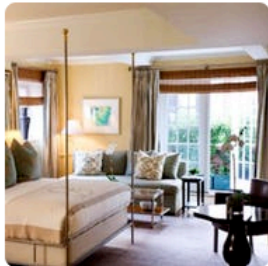
VIEW

(E.g., <https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

15



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

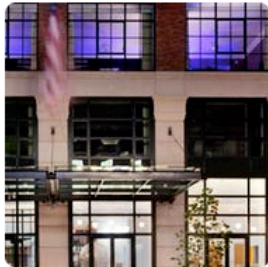
Free wifi

Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW


(E.g., <https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01>).

30. For example, each user's respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (e.g., the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user). The screenshots below show two different templates belonging to two respective users based on user configuration information with the user configuration information (including user demographic information) being supplied by the user that is used to build the template program that is unique to the user:

First User

- Top
- Attractions
- Hotels
- Activities
- Restaurants
- Tours
- Entertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast

 Reviewed

\$32

Superb 9.2 out of 100

Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 Reviewed

\$239

Awesome 9.2 out of 10

booking.com

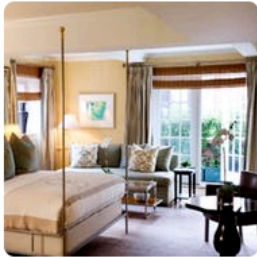
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

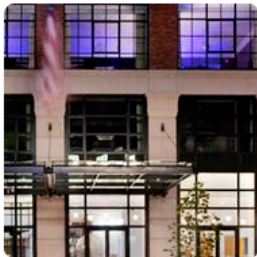
Free wifi

Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

31. As another example, a user can customize their lonelyplanet.com page by selecting their saved hotels, so that selected hotels can be displayed. Below are screenshots pertaining to the selection process.

Favorite hotels
4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

\$\$\$

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

\$\$\$

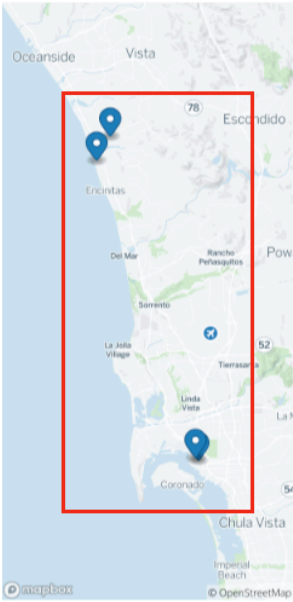
Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

\$\$\$

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Favorite hotels
4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

\$\$\$

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

\$\$\$

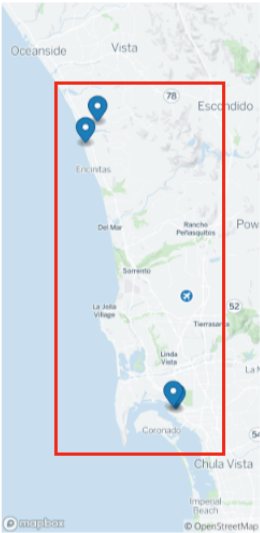
Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

\$\$\$

Add note...



(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3->

[0e4fd8292634](#) (for a particular user)). On information and belief, “saved hotels” data is stored locally in cookies. The source code, which has a utility function, handles storing and retrieval of the saved hotels, and user data stored and retrieved from local storage or cookie locations.

32. The user configuration information supplied by the user to build the template program includes user demographic information (*e.g.*, a user’s profile information and/or configuration information such as the user’s name, email address, phone number, postal address). (*E.g.*, <https://www.lonelyplanet.com/legal/privacy-policy/>).

33. The template program is received from one of at least two locations (*e.g.*, the data and templates comprising a user’s page may be retrieved from a main server/disk storage), the location determined from the frequency of the user request for the customized lonelyplanet.com page (*e.g.*, based on the frequency at which a user logs in or accesses their lonelyplanet.com page, the data comprising the users page may be stored at a main server). On information and belief, template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user’s computer. On information and belief, running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site source code that is used in logic to display various available hotels and other site logic-based conditions. On information and belief, the user information is stored in multiple locations, which can include, (1) at runtime, in source code with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies.

```

    {action:r(e.action)}}},committedState:n(e.committedState),computedStates:e.computedStates.map(function(e)
    {return i({},e,{state:n(e.state)}))}})}var n=arguments.length>1&&void 0!==arguments[1]?
    arguments[1]:c.default,r=arguments.length>2&&void 0!==arguments[2]?arguments[2]:c.default;return e?
    function(n){return function(r,o,a){var u="redux-dev-session-"+e,s=void 0;try{var
    c=localStorage.getItem(u);c&&(s=t(JSON.parse(c)))||o,n(r,o)}catch(e){console.warn("Could not read debug
    session from localStorage:",e);try{localStorage.removeItem(u)}finally{s=void 0}}var l=n(r,s,a);return
    i({},l,{dispatch:function(e)
    {l.dispatch(e);try{localStorage.setItem(u,JSON.stringify(l.getState()))}catch(e){console.warn("Could not
    write debug session to localStorage:",e)}}return e}})}:function(e){return function(){return e.apply(void
    0,arguments)}}}t.__esModule=!0;var i=Object.assign||function(e){for(var t=1;t<arguments.length;t++){var
    n=arguments[t];for(var r in n)Object.prototype.hasOwnProperty.call(n,r)&&(e[r]=n[r])}return

```

(E.g., <https://assets.lonelyplanet.com/dotcom-profile/vendor.3cf549d32219632ed14f.js> (for a particular user)).

```
<link rel="stylesheet" href="https://assets.lonelyplanet.com/assets/common.bb824fb83a5899347cc0.css" />

<script type="text/javascript">
  window._initialState = {"pois":{"initial":null,"cache":{},"next":"","nearby":{}}, "list":{"items":
[{"id":"hostel_world,823,2019-12-01,2019-12-02","type":"availability","links":{},"available":{"from":"2019-12-
01","to":"2019-12-02"},"offerings":[{"cost":{"amount":32,"currency":"USD"},"description":
{"long":"","short":"","max_occupancy":null},"cost":{"amount":47.5,"currency":"USD"},"description":
{"long":"","short":"","max_occupancy":null}], "perks":["free wifi","free
```


(E.g., [view-source:https://www.lonelyplanet.com/usa/sandiego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01](https://www.lonelyplanet.com/usa/sandiego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01)).


34. The Accused Instrumentality performs the step of receiving an advertisement selected in accordance to the user demographic information (*e.g.*, lonelyplanet.com provides advertisements to a user based on demographic information such as where you are located, what sites you visit, who is the user's service provider, etc.). (*E.g.*, <https://www.lonelyplanet.com/legal/privacy-policy/>; <https://www.lonelyplanet.com/legal/cookies/>). For example, the accused instrumentality has targeted advertising to users based on a user's geography and websites visited. (*Id.*).

35. The Accused Instrumentality performs the step of executing the template program (*e.g.*, source code templates) using the selected advertisement (*e.g.*, an advertisement selected based on a user's demographic information) to generate the customized page (*e.g.*, a user's lonelyplanet.com page with the advertisement integrated). (*E.g.*,

<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

36. The Accused Instrumentality performs the step of providing the customized page to the user (e.g., a user's lonelyplanet.com page with integrated advertisements).

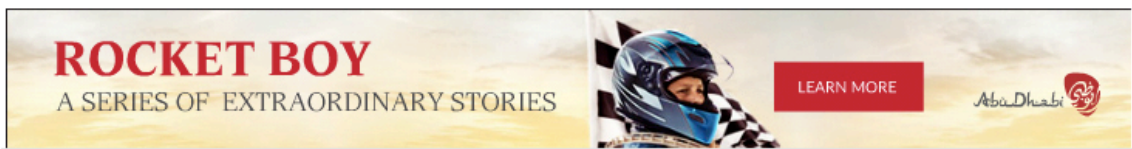


RESORT
Paradise Point Resort & Spa
Located in San Diego — 11.89 miles from city center
Free wifi • Pool
 *Reviewed*


\$149
Very good 8.2 out of 10
booking.com


VIEW

Advertisement



ROCKET BOY
A SERIES OF EXTRAORDINARY STORIES
LEARN MORE
Abu Dhabi




RESORT
Temecula Creek Inn
Located in Temecula — 1.88 miles from city center
Free wifi • Pool
 *Reviewed*

UNAVAILABLE
Please modify your filter selection.
Very good 8.1 out of 10
booking.com

VIEW

(E.g., <https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).




TOP CHOICE HOTEL

Roxy Hotel

Located in Financial District & Lower Manhattan — 1.01 miles from city center

Free wifi

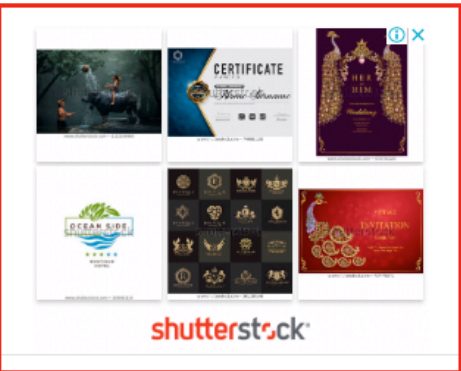
 *Reviewed*


\$199

Very good 8.9 out of 10
booking.com

VIEW

Advertisement






TOP CHOICE HOTEL

Quin

Located in Midtown — 0.30 miles from city center

Free wifi

 *Reviewed*

\$299

Very good 8.6 out of 10
booking.com

VIEW

(E.g., <https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

37. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '854 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

38. On information and belief, Defendant has had at least constructive notice of the '854 patent by operation of law, and there are no marking requirements that have not been complied with.

IV. COUNT II
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 5,983,227)

39. Plaintiff incorporates the above paragraphs herein by reference.

40. On November 9, 1999, United States Patent No. 5,983,227 (“the ‘227 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘227 Patent is titled “Dynamic Page Generator.” A true and correct copy of the ‘227 Patent is attached hereto as Exhibit B and incorporated herein by reference.

41. Digi Portal is the assignee of all right, title and interest in the ‘227 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘227 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘227 patent by Defendant.

42. The application leading to the ‘227 patent was filed June 12, 1997. (Ex. B at cover). The ‘227 patent was first assigned to Yahoo! Inc. (*Id.*).

43. The invention in the ‘227 patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:14-18).

44. The ‘227 patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, as show in the prosecution history of the ‘227 patent, it was unconventional to download real-time information into a server and use a template for the static data as opposed to linking directly to real-time information. (Ex. E at 5, Ex. F at 2).


45. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 2 of the ‘227 patent in Delaware, and elsewhere in the United States, by

performing actions comprising using or performing the claimed method of providing real-time responses to user requests for customized pages, including without limitation through the method implemented of providing a user's lonelyplanet.com page ("Accused Instrumentality"). (E.g., https://connect.lonelyplanet.com/oauth/authorize?client_id=foymu5r6sscxe&prompt=login&redirect_uri=https%3A%2F%2Fconnect.lonelyplanet.com%2Fsso&response_type=code&scope=openid&target_link_uri=https%3A%2F%2Fwww.lonelyplanet.com%2F).

46. The Accused Instrumentality performs the step of obtaining user preferences (e.g., location, brands, etc.), wherein a user's user preferences indicate items of interest to that user. For example, users can customize their location on their lonelyplanet.com page to find current hotel deals near the requested location:

Top Attractions **Hotels** Activities Restaurants Tours Entertainment

San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast


Reviewed

\$32

Superb 9.2 out of 100

Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

Reviewed

\$239

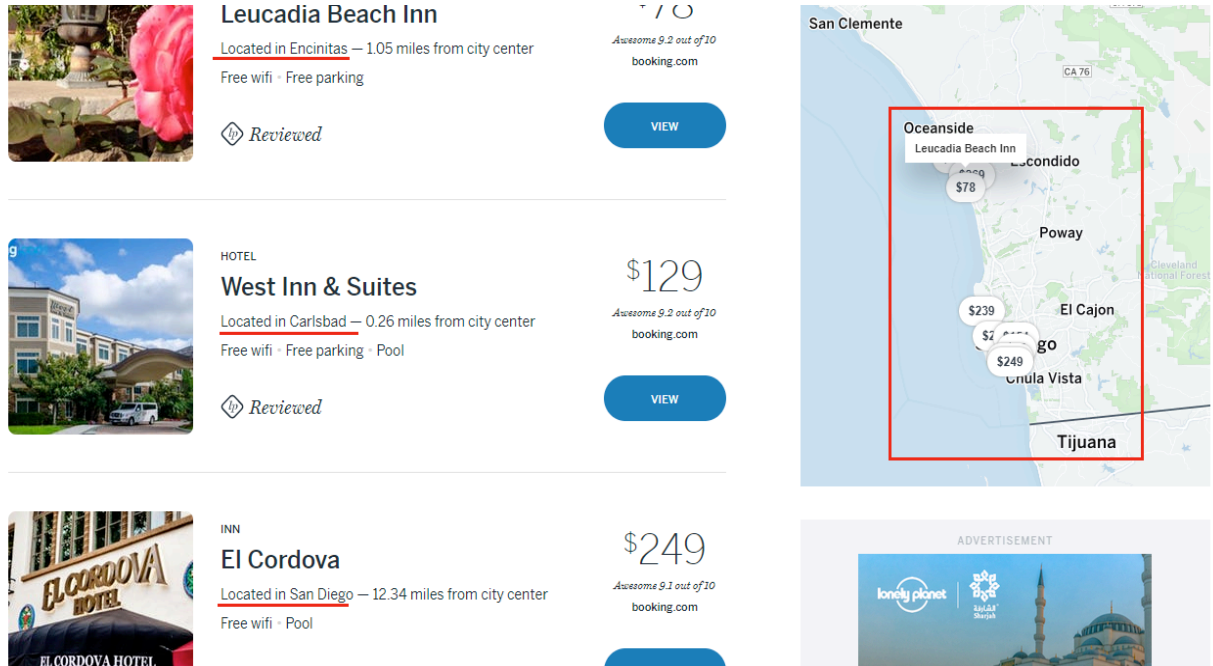
Awesome 9.2 out of 10

booking.com

VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

A user's lonelyplanet.com page is customized by the location information provided by the user:



The screenshot displays a user's customized Lonely Planet page for San Diego. It features three hotel listings, each with a photo, name, location, distance from city center, amenities, a review score, and a 'VIEW' button.

Hotel Name	Location	Distance from City Center	Amenities	Review Score	Price
Leucadia Beach Inn	Encinitas	1.05 miles	Free wifi, Free parking	9.2 out of 10	\$78
West Inn & Suites	Carlsbad	0.26 miles	Free wifi, Free parking, Pool	9.2 out of 10	\$129
El Cordova	San Diego	12.34 miles	Free wifi, Pool	9.1 out of 10	\$249

To the right of the listings is a map of the San Diego region, with a red box highlighting the area around Oceanside, Encinitas, Poway, El Cajon, San Diego, and Tijuana. Below the map is an advertisement for the Lonely Planet travel guide.

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

47. The following screenshots are pages for two different users that have varying hotel deals displayed based upon the users' requested locations:

First User:



San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast

 *Reviewed*

\$32

Superb 9.2 out of 100
Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10
booking.com

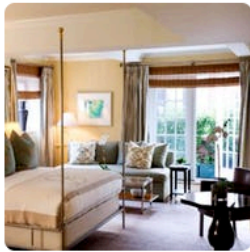
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

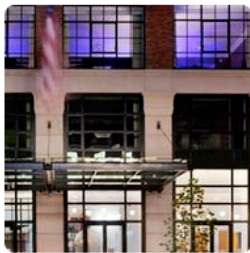
Free wifi

Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

48. Additionally, a user can also customize the lonelyplanet.com page by preferred hotels, so that the corresponding hotels can be displayed. The following are screenshots pertaining to the selection process:

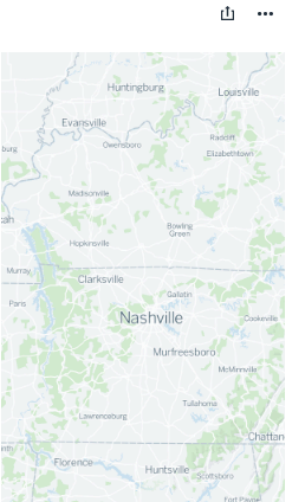
Favorite hotels

0 places · Private

+ Add place

Save places and organize your travel.

Hotels selected by first user



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Favorite hotels

4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

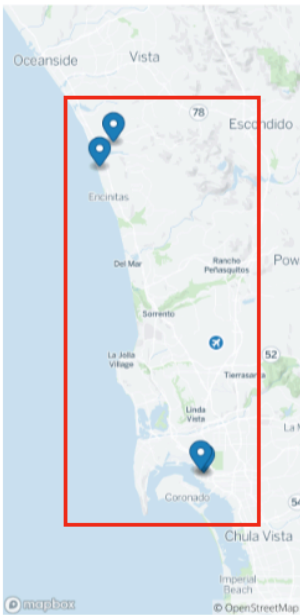
INN IN ENCINITAS

Add note...

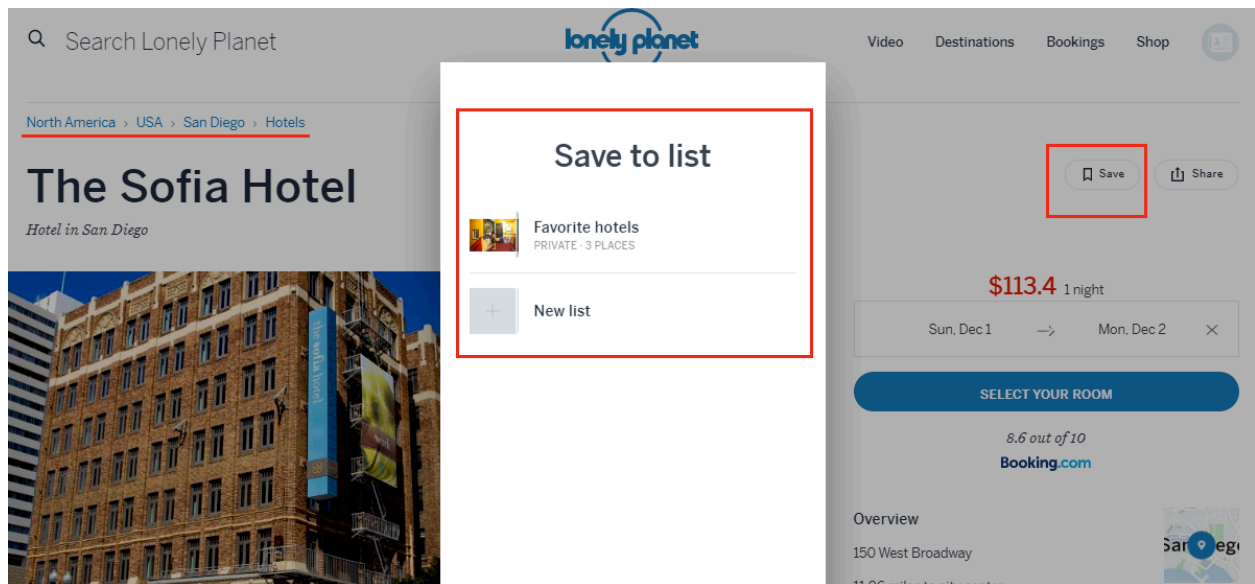
The Sofia Hotel

HOTEL IN SAN DIEGO

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).



(<https://www.lonelyplanet.com/usa/san-diego/hotels/the-sofia-hotel/a/lod/30351a88-b978-481a-b1fe-5e8a5bf782a0/361857>).

49. The following screenshots are webpages customized according to the selected hotels of two respective users:

First User:

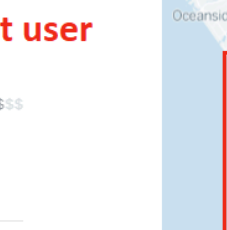
Favorite hotels

4 places · Private

+ Add place

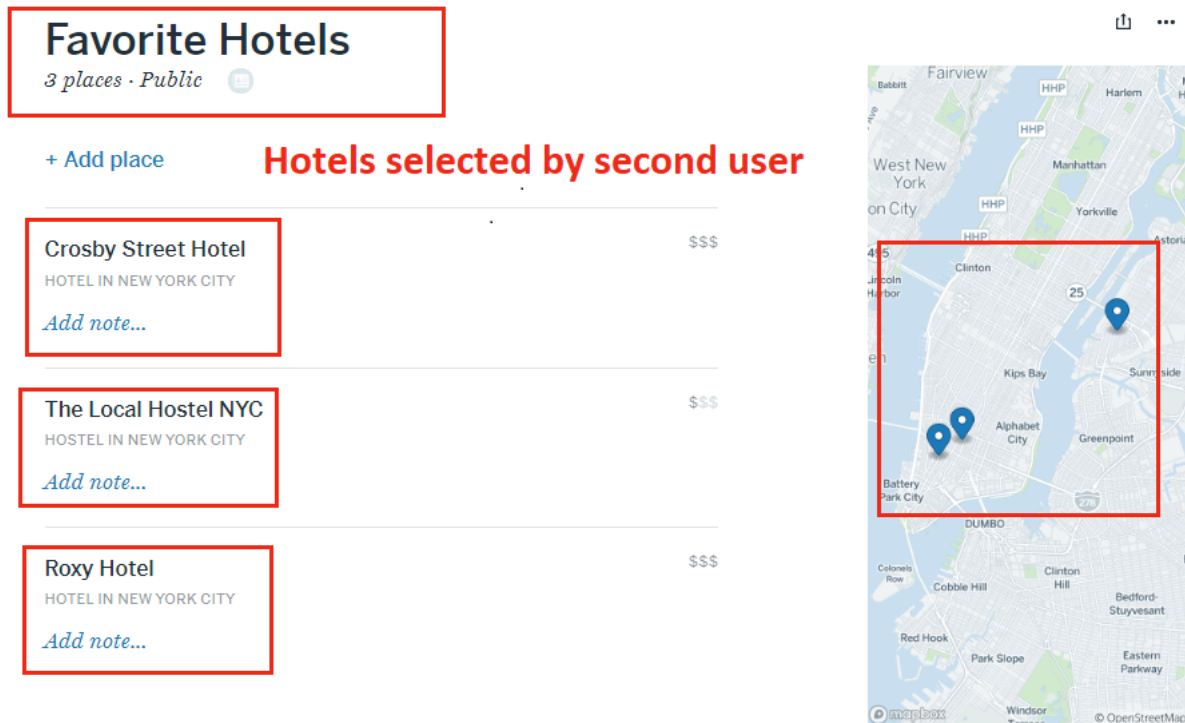
USA Hostels San Diego <small>HOSTEL IN SAN DIEGO</small> Add note...	\$\$\$
Park Hyatt Aviara <small>HOTEL IN CARLSBAD</small> Add note...	
Leucadia Beach Inn <small>INN IN ENCINITAS</small> Add note...	\$\$
The Sofia Hotel <small>HOTEL IN SAN DIEGO</small> Add note...	\$\$\$

Hotels selected by first user



((<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Second User:



(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

50. On information and belief, the Accused Instrumentality performs obtaining real-time information (*e.g.*, current hotel deals and advertisements) from information sources (*e.g.*, lonelyplanet.com's servers/databases which store real-time hotel listings and the Google server which store advertisements) and storing the real-time information in a storage device (*e.g.*, hotel deals and advertisements will be pulled from a storage server and sent to lonelyplanet.com's web/API server so that the information can be used as input in a template program to generate a customized page that is provided to a user).

51. On information and belief, the Accused Instrumentality performs the step of combining the user preferences for the user (*e.g.*, user location, saved hotels, user trends/actions)

and a template (*e.g.*, generic template) to form a template program specific to the user. On information and belief, the Accused Instrumentality forms a template program (*e.g.*, software instructions and data used for rendering a particular user's lonelyplanet.com page such as the source code) that is unique to the user (*e.g.*, the source code will be specific to a user because the content can be modified by and/or customized for a user) and based on user preferences (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using the templates by entering information such as their location). On information and belief, the Accused Instrumentality uses preference information for the user and a global template that is generic to a plurality of users to form a customized template program unique to a user. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage.

52. On information and belief, the Accused Instrumentality performs the step of receiving, from a user and at the server, a user request for a customized page (*e.g.*, when a user logs in to lonelyplanet.com, hotel deal searches will be limited to a user's location, hotels displayed will be targeted towards a user's interest) customized according to the user preferences. The following screenshots are examples of the request for a customized page that is customized according to the user preferences:



Enter your email address to sign in or
create an account.

Email


By clicking next below and creating an account, you
agree to our [terms of service](#) and that you're happy
for Lonely Planet to use your information as set out
in our [privacy policy](#) (including our [cookie use](#)).

EMAIL ME A LINK TO SIGN IN

(https://connect.lonelyplanet.com/oauth/authorize?client_id=foymu5r6sscxe&prompt=login&redirect_uri=https%3A%2F%2Fconnect.lonelyplanet.com%2Fsso&response_type=code&scope=openid&target_link_uri=https%3A%2F%2Fwww.lonelyplanet.com%2F (for a particular user)).

- Top
- Attractions
- Hotels
- Activities
- Restaurants
- Tours
- Entertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast


 *Reviewed*

\$32

Superb 9.2 out of 10

Hostelworld

VIEW




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*


\$239

Awesome 9.2 out of 10

booking.com

VIEW


(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).




Leucadia Beach Inn

Located in Encinitas — 1.05 miles from city center

Free wifi · Free parking

 *Reviewed*


[VIEW](#)




West Inn & Suites

Located in Carlsbad — 0.26 miles from city center

Free wifi · Free parking · Pool

 *Reviewed*


[VIEW](#)



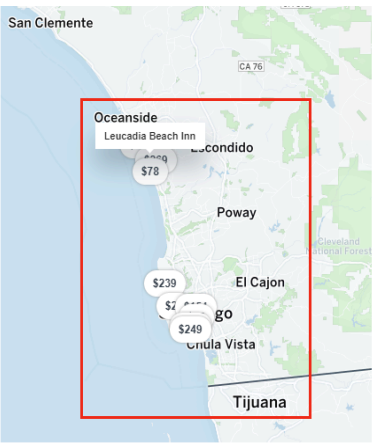
El Cordova

Located in San Diego — 12.34 miles from city center

Free wifi · Pool

 *Reviewed*

[VIEW](#)



San Clemente

Oceanside

Carlsbad

Poway


El Cajon

San Marcos

Escondido

Tijuana

ADVERTISEMENT




Lonely Planet

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

[Top](#) [Attractions](#) [Hotels](#) [Activities](#) [Restaurants](#) [Tours](#) [Entertainment](#) [↑](#)


New York City hotels, hostels and more




Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

Free wifi

 *Reviewed*


[VIEW](#)



Crosby Street Hotel

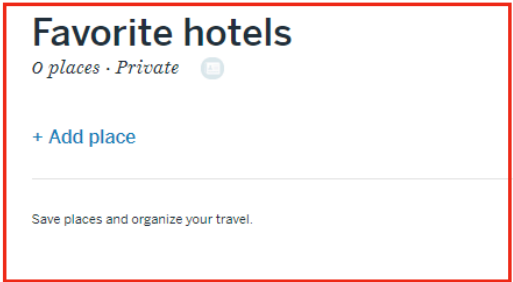
Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

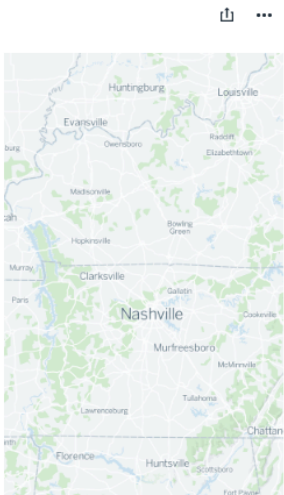
 *Reviewed*

[VIEW](#)

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).



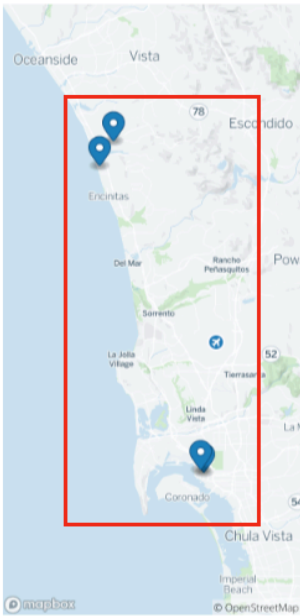
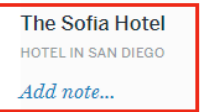
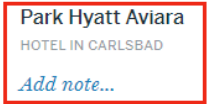
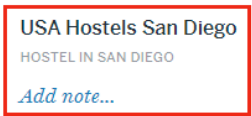
Hotels selected by first user



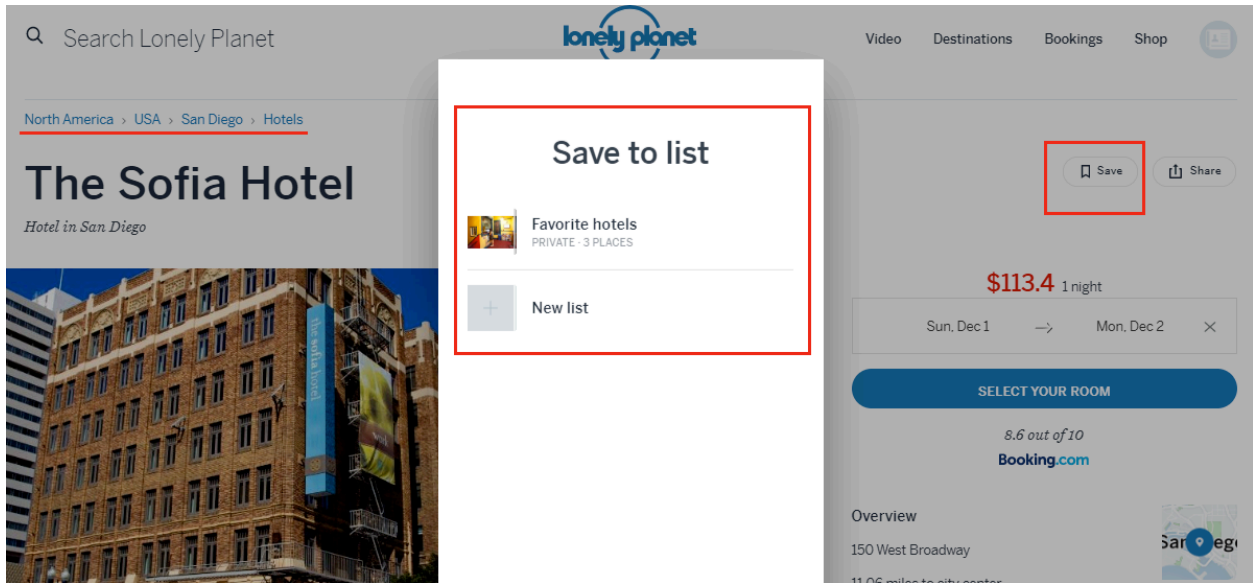
(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).



Hotels selected by first user



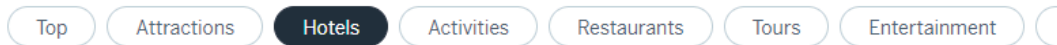
(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).



(<https://www.lonelyplanet.com/usa/san-diego/hotels/the-sofia-hotel/a/lod/30351a88-b978-481a-b1fe-5e8a5bf782a0/361857> (for a particular user)).

53. The Accused Instrumentality performs the step of executing the template program specific to the user (*e.g.*, page generation code, tiles, containers, and user data) using the real-time information stored in the storage device (*e.g.*, hotel deals, hotels, and advertisements, stored in a storage database/server) as input to the template program to generate the customized page (*e.g.*, the hotel deals, hotels, and advertisements will be inputted into a template program so that the appropriate web page will be generated and displayed to the user). The following sets of screen screenshots are examples of customizing a user's lonelyplanet.com page from two different users that have varying current hotel deals displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user).

First User:



San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast

 *Reviewed*

\$32

Superb 9.2 out of 100
Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10
booking.com

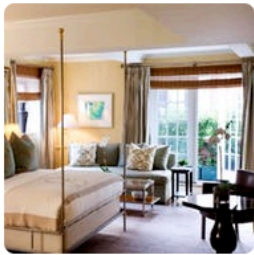
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

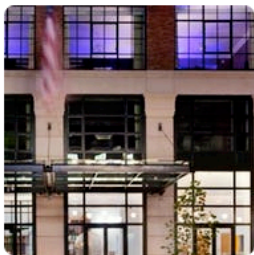
Free wifi



\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi




\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

First User:




RESORT

Paradise Point Resort & Spa

Located in San Diego — 11.89 miles from city center

Free wifi • Pool

 *Reviewed*

Advertisement


\$149

Very good 8.2 out of 10
booking.com

VIEW


ROCKET BOY

A SERIES OF EXTRAORDINARY STORIES



LEARN MORE

Abu Dhabi 




RESORT

Temecula Creek Inn

Located in Temecula — 1.88 miles from city center

Free wifi • Pool

 *Reviewed*

UNAVAILABLE


Please modify your
filter selection.

Very good 8.1 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:




TOP CHOICE HOTEL

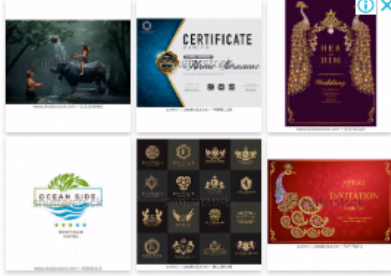
Roxy Hotel

Located in Financial District & Lower Manhattan —
1.01 miles from city center

Free wifi

 Reviewed

Advertisement




shutterstock

\$199

Very good 8.9 out of 10
booking.com

VIEW




TOP CHOICE HOTEL

Quin

Located in Midtown — 0.30 miles from city center

Free wifi

 Reviewed

\$299

Very good 8.6 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

First User:

Favorite hotels
4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

\$\$\$

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

\$\$\$

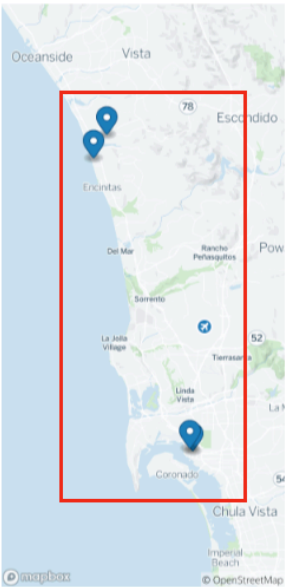
Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

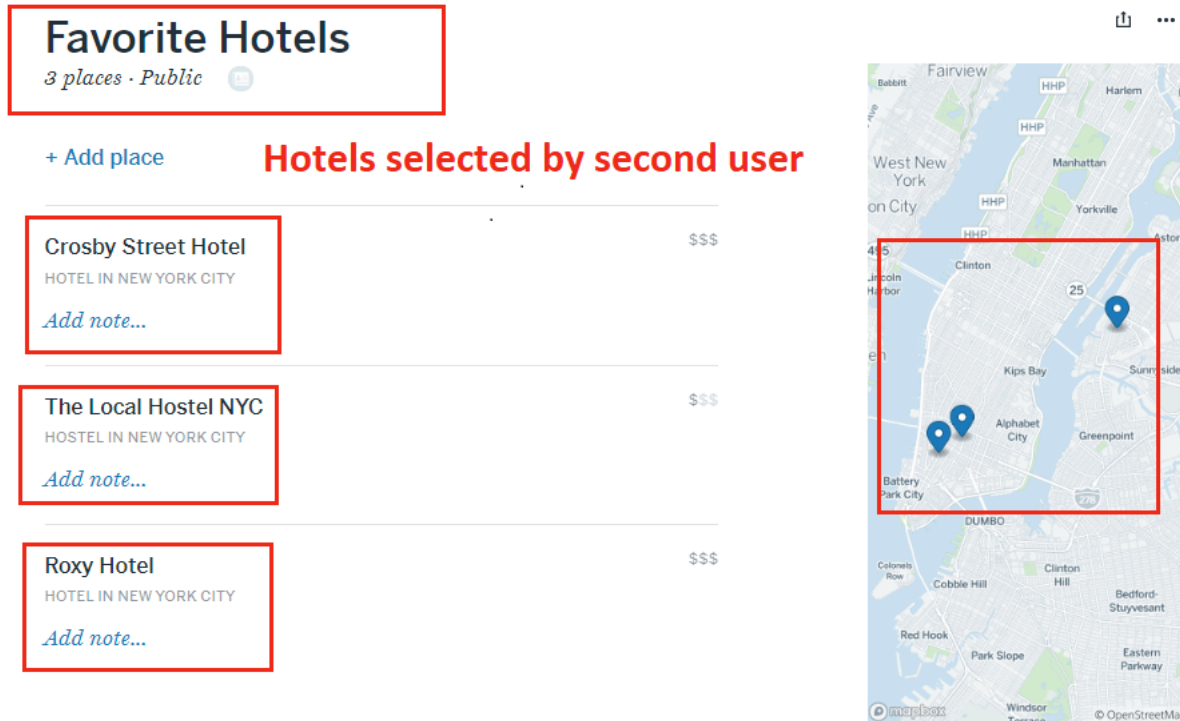
\$\$\$

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae5-2607dd6a4791> (for a particular user)).

Second User:



(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

54. The Accused Instrumentality performs the step of providing the customized page to the user (*e.g.*, search results, etc. with integrated advertisements) wherein the steps of executing and providing are performed in real-time response to receipt of the user request in the step of receiving (*e.g.*, user login request, search initiation, etc.) and wherein the customized page includes at least one item of real-time information (*e.g.*, current hotel deals or current advertisements selected from the storage device (*e.g.*, pulled from storage servers/databases and sent to an API/webserver for processing/display). (*E.g.*, screenshots in paragraphs 52 and 53).

55. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '227 patent, *i.e.*, in an amount that by law

cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

56. On information and belief, Defendant has had at least constructive notice of the ‘227 patent by operation of law, and there are no marking requirements that have not been complied with.

V. COUNT III
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,171,414)

57. Plaintiff incorporates the above paragraphs herein by reference.

58. On January 30, 2007, United States Patent No. 7,171,414 (“the ‘414 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘414 Patent is titled “Dynamic Page Generator.” A true and correct copy of the ‘414 Patent is attached hereto as Exhibit G and incorporated herein by reference.

59. Digi Portal is the assignee of all right, title and interest in the ‘414 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘414 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘414 Patent by Defendant.

60. The application leading to the ‘414 patent was filed September 10, 1999, which was a continuation of application no. 08/873,975, which issued as the ‘227 patent. (Ex. G at cover). The ‘414 patent was first assigned to Yahoo! Inc. (*Id.*).

61. The invention in the ‘414 patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:29-33).

62. The '414 patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the '414 patent highlights advantages and unconventional features of the claimed invention including the "storing real-time information in a shared local storage device." An example of this limitation is when live data used to fill templates is stored local to the page server which is handling user requests for custom web pages. (Ex. I at 8; Ex. G at col. 2:11-15). Every piece of information that a person can request on a page is storable in a shared memory closely coupled to a page generator. (Ex. I at 9; Ex. G at col. 4:43-58). Unlike the prior art CGI process that required time consuming calls to other servers, storing real-time information in a shared local storage device, allows for any custom page to be built within the page server thereby eliminating the need to make requests from other servers for portions of the live data. (Ex. I at 9; Ex. G at col. 2:25-31).

63. Furthermore, as show in the prosecution history of the '414 Patent, it was unconventional to receive the template program from one of at least two location, the frequency of the user request for the customized page determines the retrieval location of the template program. (Ex. H at 9-10). In the prior art, the published web site was stored on a server and provided from one server location regardless of the frequency of the user requests for the web site. (*Id.*). The examiner agreed that the claim was allowable because the prior art did not disclose that in a page server coupled to a network a method of providing a customized page to a user, the customized page is customized according to the user's preferences, and the template is received from one of at least two locations, the location determined from frequency of the user request for the customized page. (Ex. J at 3).

64. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1 and 3 of the '414 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method using the lonelyplanet.com website ("Accused Instrumentality"). The Accused Instrumentality uses a page server (*e.g.*, the lonelyplanet.com server), to provide a customized page (*e.g.*, user-specific web page, search results, etc.) to a user, wherein the customized page is customized according to the user's preferences (*e.g.*, user location, user interests, etc.).

65. On information and belief, the Accused Instrumentality performs the step of obtaining real-time information (*e.g.*, current hotel deals and advertisements) from information sources (*e.g.*, storage servers/databases that store hotel deals, and advertisements) and stores them in a shared local storage device (*e.g.*, the data will be pulled from storage servers/databases and stored, at least temporarily, at a local web/API server, for processing and subsequent display to a user).

66. For example, users can customize their location on their lonelyplanet.com page to find real-time hotel deals near their location:

- Top Attractions **Hotels** Activities Restaurants Tours Entertainment

San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast

 Reviewed

\$32

Superb 9.2 out of 10
Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 Reviewed

\$239

Awesome 9.2 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

67. As another example, a user's lonelyplanet.com page will also be customized to show current hotel deals near the location linked to a user's account.

First User:



San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast



\$32

Superb 9.2 out of 100
Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi



\$239

Awesome 9.2 out of 10
booking.com

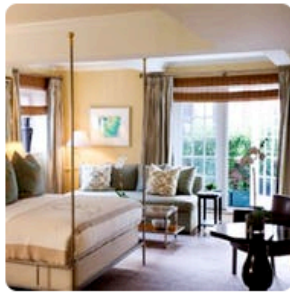
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

Free wifi

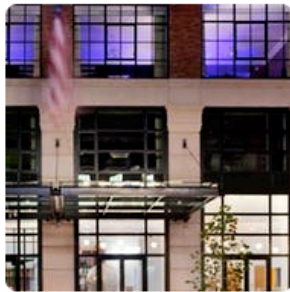


\$875

Awesome 9.4 out of 10

booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi



\$925

Awesome 9.4 out of 10

booking.com

VIEW

([https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-](https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01)

[02&startDate=2019-12-01](https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01) (for a particular user)). A user can also customize their lonelyplanet.com page by selecting their preferred hotels, so that the corresponding hotels can be displayed.

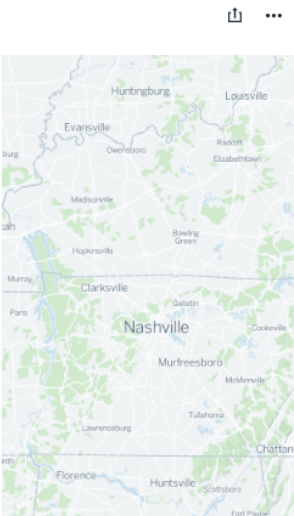
Favorite hotels

0 places · Private

+ Add place

Save places and organize your travel.

Hotels selected by first user



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae5-2607dd6a4791> (for a particular user)).

Favorite hotels

4 places · Private

+ Add place

USA Hostels San Diego

HOSTEL IN SAN DIEGO

Add note...

\$\$\$

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

Add note...

\$\$\$

The Sofia Hotel

HOTEL IN SAN DIEGO

Add note...

\$\$\$

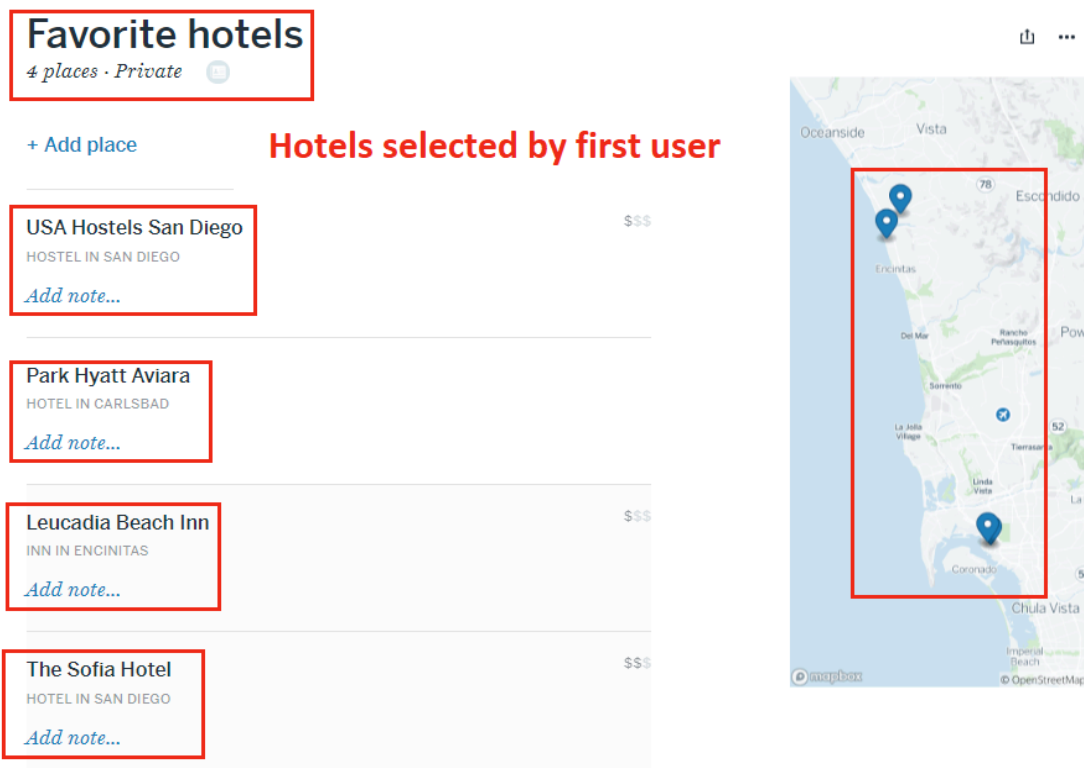
Hotels selected by first user

A map of the San Diego area, specifically the coastal region. A red rectangular box highlights a specific area on the coast. Within this box, there are four blue location pins. The pins are located near Encinitas, Del Mar, and San Marcos. The map also shows other nearby locations like Vista, Escondido, and Chula Vista.

(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae5-2607dd6a4791> (for a particular user)).

51

68. On information and belief, the Accused Instrumentality performs the step of storing a user-specific template program (*e.g.*, generic template customized to a user-specific template program based on user-specific interests and with real-time information) for the user in a data structure associated with a user identifier unique to the user (*e.g.*, the user-specific template is stored corresponding to every user based on the user's unique preferences and information associated with the user's sign-in information (*e.g.*, e-mail address)). Upon information and belief, after a user logs in, lonelyplanet.com can display a user's saved hotels. As such, a user-specific template program utilized to create the displayed websites that show a user's recent saved hotels must be stored in a database wherein the template program is tied to a user's log in information/account.




(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

69. Upon information and belief, the Accused Instrumentality performs the step of receiving, from the user and at the page server (*e.g.*, lonelyplanet.com server), a user request (*e.g.*, user login, search initiation, etc.) for a customized page (*e.g.*, search results limited to a user's location, display of hotels tied to a user's saved hotels, pages with advertisements targeted to a user's interest, etc.) and determining a user identifier associated with the request (*e.g.*, in order to limited search results to a location entered for an account, or display hotels related to a user's saved hotels, lonelyplanet.com must determine a user identifier that links the request to the user's account and preferences).

[Top](#)
[Attractions](#)
[Hotels](#)
[Activities](#)
[Restaurants](#)
[Tours](#)
[Entertainment](#)

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center


Free wifi • Free breakfast

 *Reviewed*

\$32

Superb 9.2 out of 100
Hostelworld

[VIEW](#)




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi


 *Reviewed*

\$239

Awesome 9.2 out of 10
booking.com

[VIEW](#)


(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).





Leucadia Beach Inn

Located in Encinitas — 1.05 miles from city center

Free wifi · Free parking

 *Reviewed*








West Inn & Suites

Located in Carlsbad — 0.26 miles from city center

Free wifi · Free parking · Pool

 *Reviewed*






El Cordova

Located in San Diego — 12.34 miles from city center

Free wifi · Pool



San Clemente

Oceanside

Leucadia Beach Inn

Encinitas

Carlsbad

Poway

El Cajon

San Diego

Imperial Valley

Tijuana

Prices: \$78, \$239, \$249

ADVERTISEMENT

lonely planet

إلى مكة

إلى مكة

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Favorite hotels

4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

Add note...

Oceanside

Vista

Escondido

Encinitas

Del Mar

Rancho

Petaluma

Pow

San Marcos

La Jolla

Village

Timber

Linda

Vista

Coronado

Chula Vista

Imperial

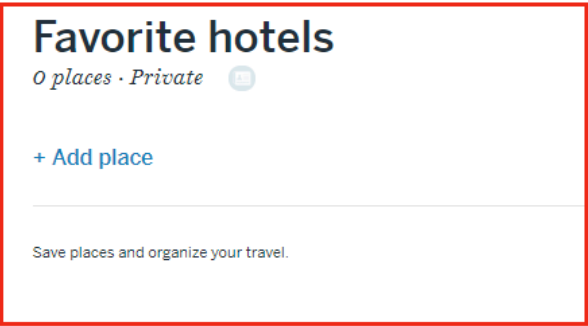
Beach

mapbox

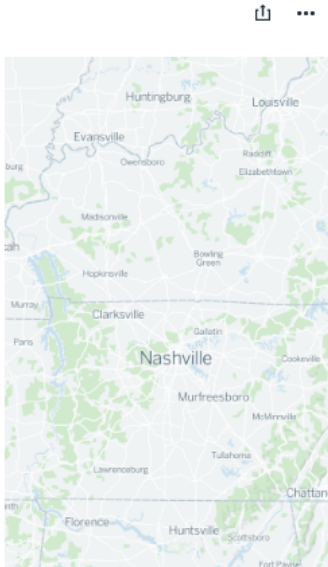
OpenStreetMap

(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

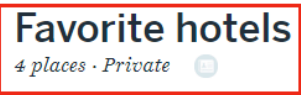
70. On information and belief, the Accused Instrumentality performs the step of receiving a template program specific to the user using the determined user identifier (*e.g.*, user email) associated with the user request (*e.g.*, user login request). On information and belief, in order to display a webpage that shows search results limited to a user's location, hotels tied to a user's saved hotels, lonelyplanet.com must receive a template program (*e.g.*, code, instructions, etc., used to create a webpage for display) tied to a user's account/preferences.



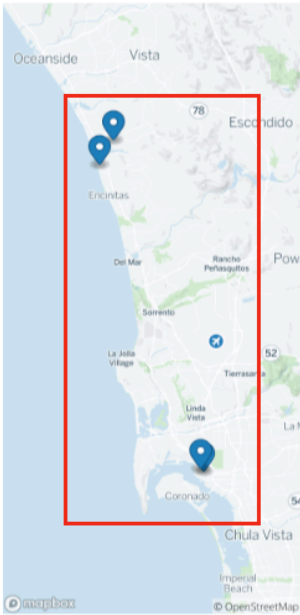
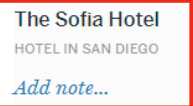
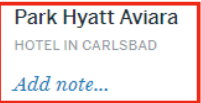
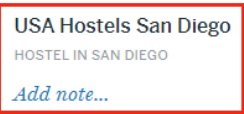
Hotels selected by first user



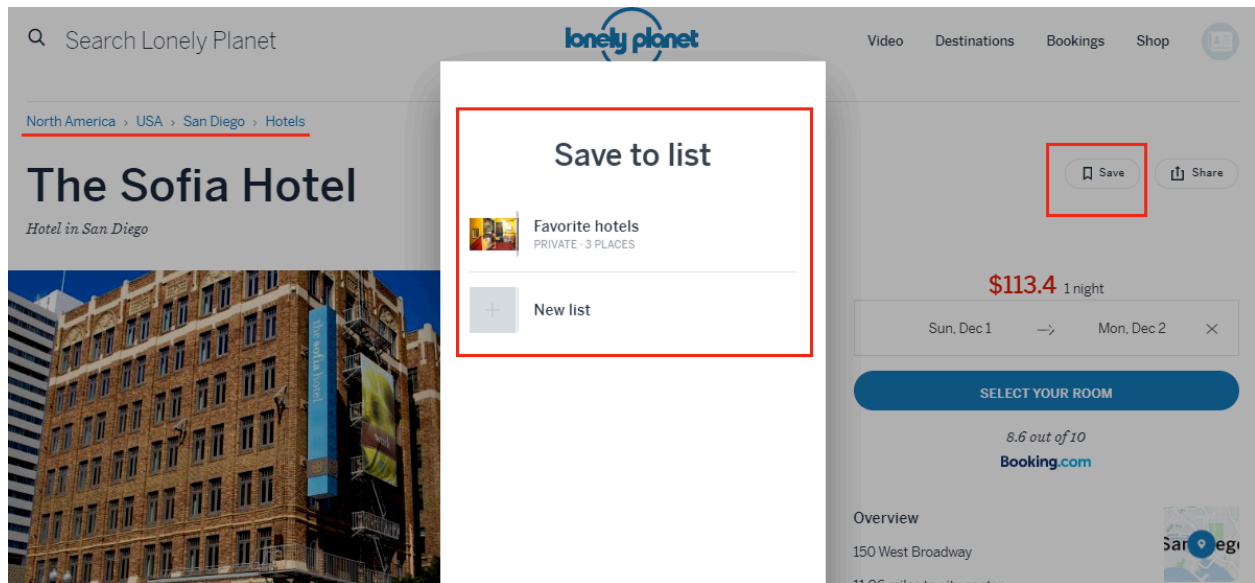
(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).



Hotels selected by first user



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).



(<https://www.lonelyplanet.com/usa/san-diego/hotels/the-sofia-hotel/a/lod/30351a88-b978-481a-b1fe-5e8a5bf782a0/361857> (for a particular user)).

71. On information and belief, the Accused Instrumentality performs the step that the template program is received from one of at least two locations (e.g., main storage at the lonelyplanet.com server or local storage on the user's computer), the location determined from frequency of the user request for the customized page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site source code that is used in logic to display various available hotel deals, other site logic-based conditions. On information and belief, the template information is stored in multiple locations: (1) at runtime, in a Javascript

object with the data structure called Context Data; (2) within browser local storage; and (3) browser cookies.

First User –



San Diego hotels, hostels and more



TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast

 *Reviewed*

\$32

Superb 9.2 out of 100

Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10

booking.com

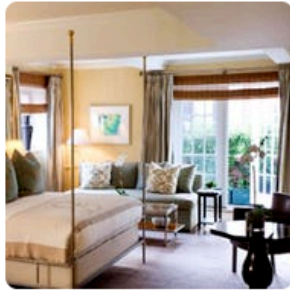
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01>).

Second User –

[Top](#)
[Attractions](#)
[Hotels](#)
[Activities](#)
[Restaurants](#)
[Tours](#)
[Entertainment](#)

New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

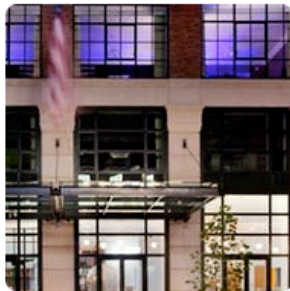
Free wifi

Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01>).

72. On information and belief, the Accused Instrumentality performs the step of executing the template program (e.g., code, instructions, etc.) specific to the user (e.g., used to create a user-specific web page) using the real-time information (e.g., current hotels deals, targeted advertisements, etc.) stored in the shared local storage device (e.g., hotel deals and advertisements are pulled from storage servers/databases and sent to a web/API server used to process the data for display; the web/API server is local to lonelyplanet.com and is shared amongst all users accessing the lonelyplanet.com website) to generate the customized page (e.g.,

a user webpage displaying saved hotel, hotel deals, etc., customized for a user based on their preferences). For example, the screenshots in Paragraph 71 are for two different users that have varying current hotel deals displayed based upon the users' locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current hotel deals).

73. On information and belief, the Accused Instrumentality performs the step that the template program indicates items of interest (*e.g.*, hotels deals related to the user's location, advertisements tied to a user's interest, etc.) to the user; and providing the user with the customized page (*e.g.*, user-specific web page). Users have varying current hotel deals displayed based upon the users' selected location (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current hotel deals).

74. On information and belief, the Accused Instrumentality performs the step of receiving user preferences (*e.g.*, user location/saved hotels, etc.) for the user, wherein the user preferences indicate the items of interest to the user (*e.g.*, hotel deals related to the user-requested location, saved hotels, advertisements tied to a user's interest, etc.) and combining the user preferences with a generic template to form the template program specific to the user. On information and belief, the Accused Instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared amongst all users, however the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a generic template that

only defines layout and combining the data specific to user's interests to be displayed within the layout. (*E.g.*, screenshots in paragraph 71).

75. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '414 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

76. On information and belief, Defendant has had at least constructive notice of the '414 patent by operation of law, and there are no marking requirements that have not been complied with.

VI. COUNT IV
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,565,359)

77. Plaintiff incorporates the above paragraphs herein by reference.

78. On July 21, 2009, United States Patent No. 7,565,359 ("the '359 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '359 Patent is titled "Dynamic Page Generator." A true and correct copy of the '359 Patent is attached hereto as Exhibit K and incorporated herein by reference.

79. Digi Portal is the assignee of all right, title and interest in the '359 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '359 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the '359 Patent by Defendant.

80. The application leading to the '359 patent was filed January 22, 2007, as a continuation of application no. 09/393,718, which issued as the '414 patent, which was a

continuation of application no. 08/873,975, which issued as the '227 patent. (Ex. K at cover). The '359 patent was first assigned to Yahoo! Inc. (*Id.*).

81. The invention in the '359 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:22-27).

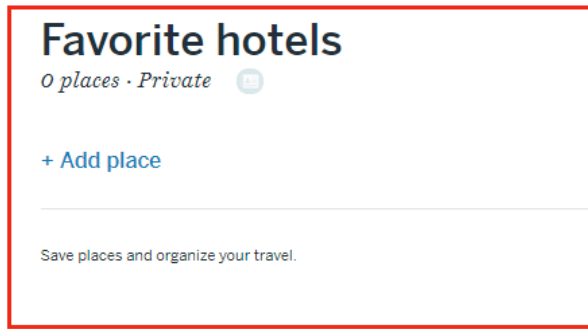
82. The '359 Patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the '359 patent highlights advantages and the unconventional features of the claimed invention. When allowing the claims of the '359 patent, the examiner focused on the last two limitations of the claim stating that executing the template program specific to the user using the real-time information stored in the shared local storage device to generate a customized page; and receiving user preferences for the user, and combining the user preferences with a generic template to form the template specific to the user, wherein the user preferences indicate the items of interest to the user in conjunction with the other limitations was not found in the prior art. (Ex. L at 8).

83. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 10 of the '359 patent in Delaware, and elsewhere in the United States, by performing actions comprising making and/or using the claimed computer-readable medium comprising instructions for generating customized pages that are customized according to user preferences that performs the method steps required by the claim, including without limitation through the method implemented of providing a user's lonelyplanet.com page ("Accused Instrumentality"). The Accused Instrumentality utilizes a computer-readable medium comprising instructions (*e.g.*, code that is executed to create webpages) for generating

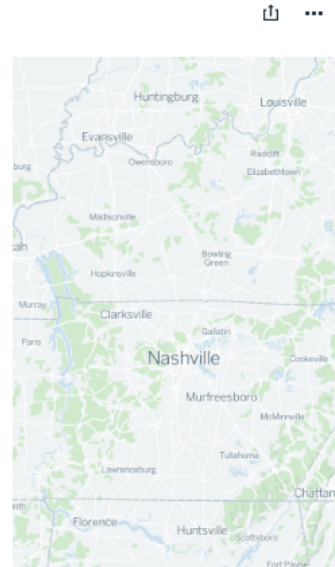
customized pages (*e.g.*, user-specific web pages), wherein the customized pages are customized according to user preferences (*e.g.*, web pages will be customized to show hotel deals near a user's requested location, saved hotel, advertisements targeted to a user's interest, etc.).

84. On information and belief, the Accused Instrumentality performs the step of storing the real-time information in a shared local storage device (*e.g.*, hotel deals, saved hotels, and advertisements will be pulled from a storage server/database and sent to a lonelyplanet.com local web/API server for processing and display). On information and belief, the Accused Instrumentality also performs the step of storing a user-specific template program (*e.g.*, instructions and data used to generate a custom user webpage) for a plurality of users, wherein each template program indicates items of interest to a user (*e.g.*, each user's template program will include instructions, code, etc. that dictates the information that should be displayed for a user based on their interest), and is associated with a user identifier (*e.g.*, in order for a user to see information specific to them and their account, such as saved hotels, the template program for their webpage must be tied to their login credentials), wherein the user identifier is associated with a user request (*e.g.*, user login and subsequent saved hotels, etc.) for a customized page.

85. For example, after a user logs in, lonelyplanet.com displays saved hotel, and therefore a user-specific template program utilized to create the displayed websites that show saved hotels must be tied to a user's log in information/account.



Hotels selected by first user



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae5-2607dd6a4791> (for a particular user)).

Favorite hotels

4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego
HOSTEL IN SAN DIEGO

\$\$\$

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

\$\$\$

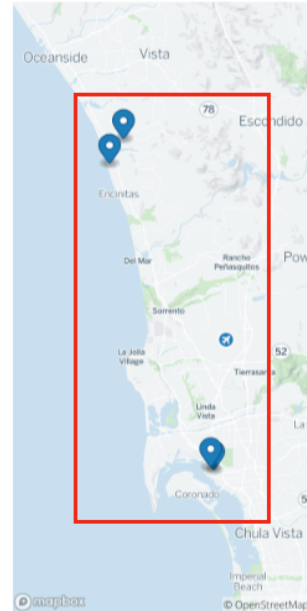
Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

\$\$\$

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user).

Search Lonely Planet

North America > USA > San Diego > Hotels

The Sofia Hotel

Hotel in San Diego

Save to list

Favorite hotels
PRIVATE · 3 PLACES

New list

\$113.4 1 night

Sun, Dec 1 → Mon, Dec 2 ×

SELECT YOUR ROOM

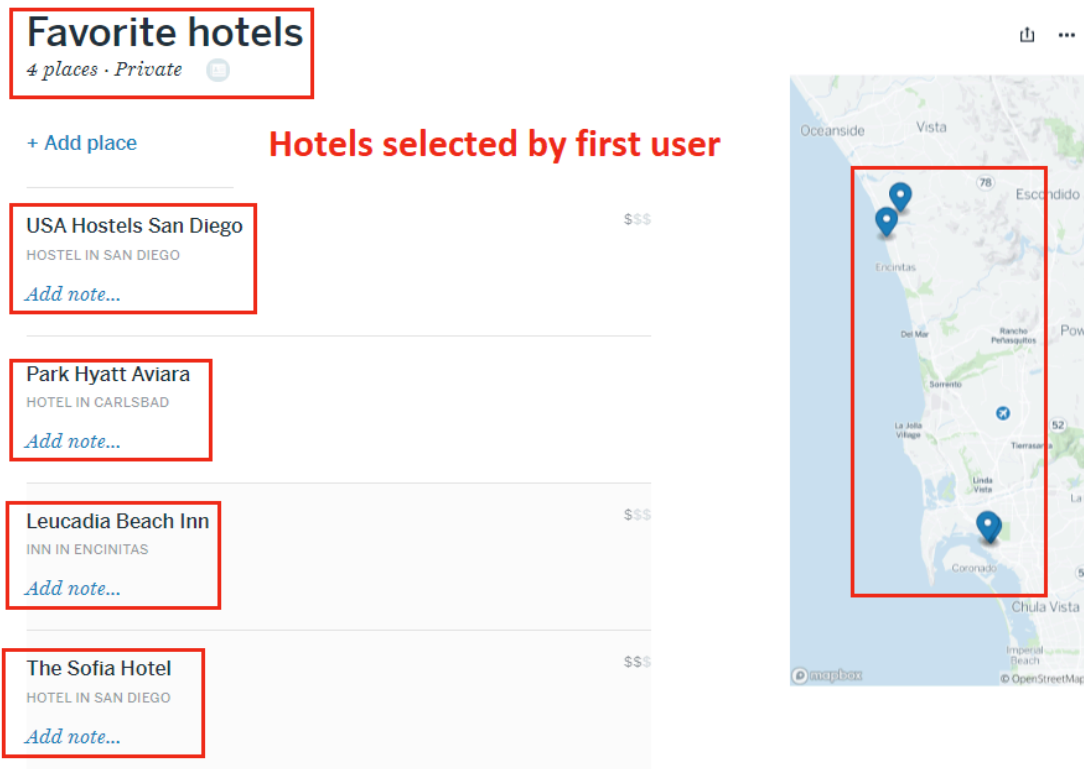
8.6 out of 10
Booking.com

Overview
150 West Broadway
11.06 miles to city center

(<https://www.lonelyplanet.com/usa/san-diego/hotels/the-sofia-hotel/a/lod/30351a88-b978-481a-b1fe-5e8a5bf782a0/361857> (for a particular user).

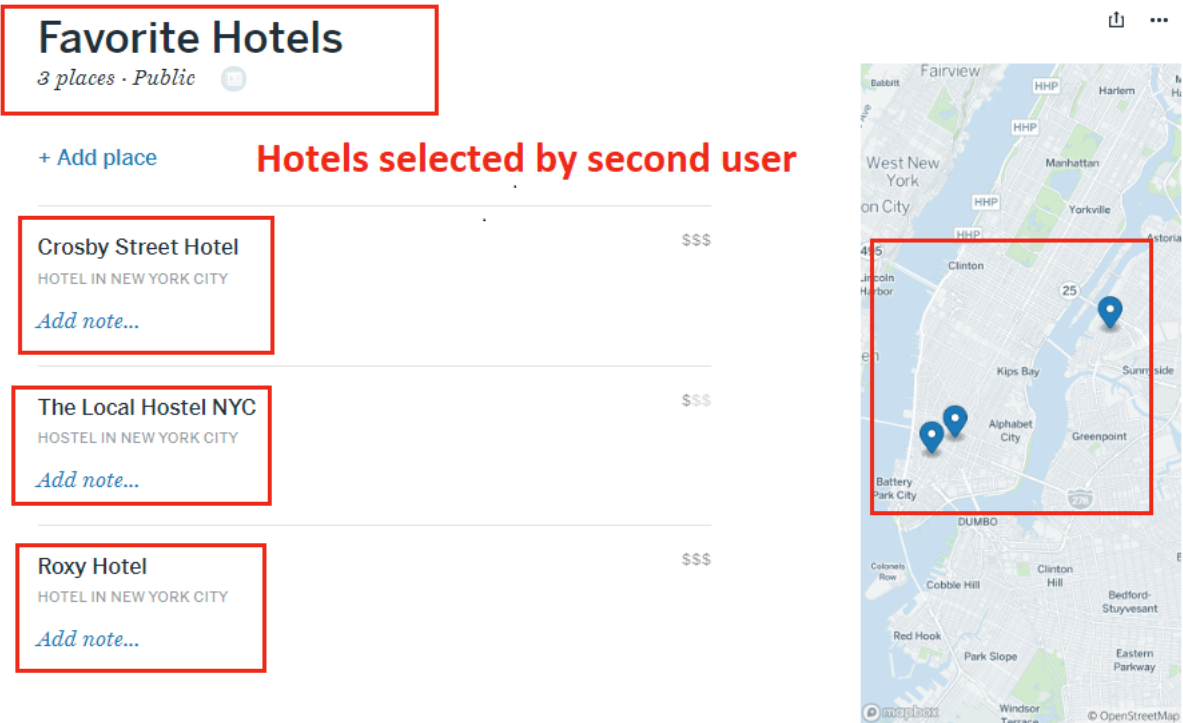
86. For example, a user can also customize their lonelyplanet.com page by saving hotel, so that preferred hotels can be displayed. In order to display the saved hotels to a user following their login, lonelyplanet.com must tie the template programs to a user's account.

First User:



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Second User:




(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

87. For example, a user's lonelyplanet.com page will also be customized to display hotel deals that are for a user's location.

First User:

- Top
- Attractions
- Hotels
- Activities
- Restaurants
- Tours
- Entertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast


 *Reviewed*

\$32

Superb 9.2 out of 100

Hostelworld

VIEW




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10

booking.com

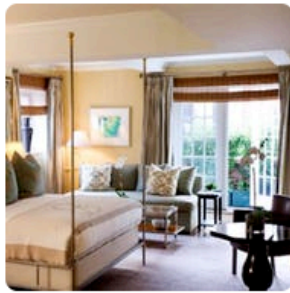
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

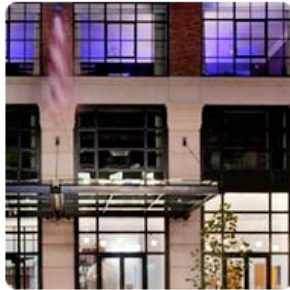
Free wifi

Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

88. On information and belief, the Accused Instrumentality performs the step of receiving a template program (e.g., code, instructions, etc. that are executed to create a user page) specific to the user using the user identifier (e.g., as explained above, in order to display pages customized for a user subsequent to their login, the template program used to create the customized page must be tied to the user's account credentials), wherein the template program is received from one of at least two locations (e.g., main storage at a lonelyplanet.com server or

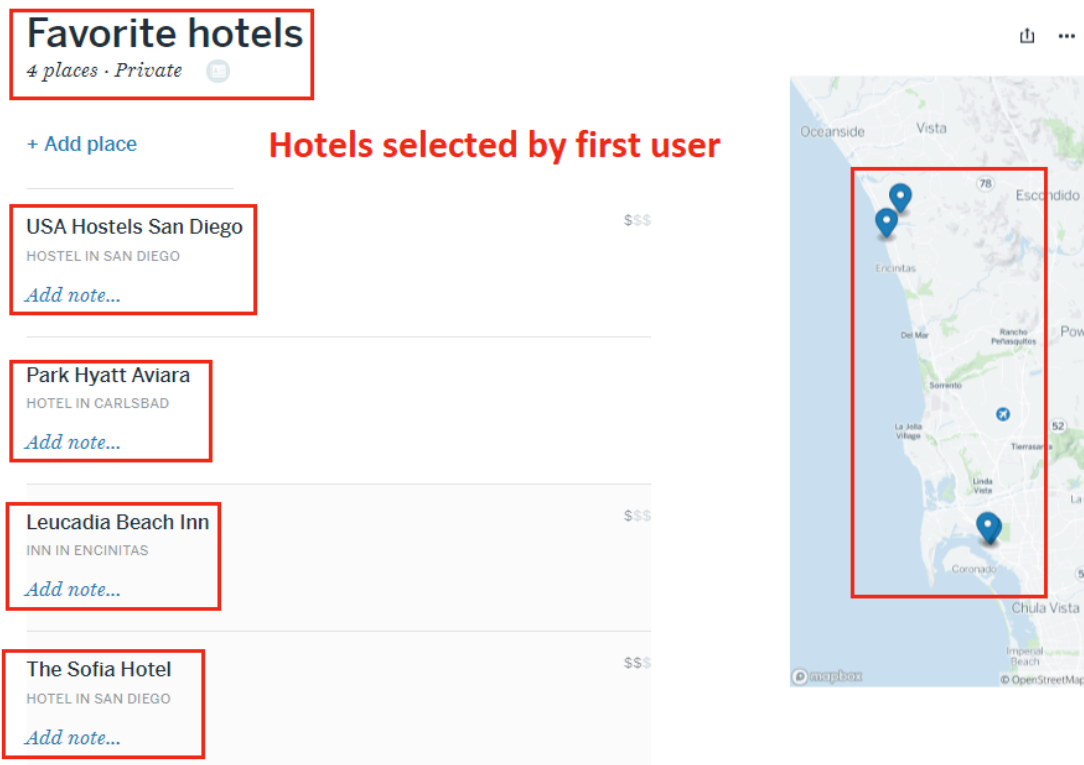
local device storage), the location based upon a frequency of user requests for the customized page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in a main storage server wherein frequently accessed files will be stored in local storage on the user's computer. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site source code that is used in logic to display various available hotel deals, and other site logic-based conditions. The template information can be stored in multiple locations including but not limited to (1) at runtime, in source code with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies.

89. On information and belief, the Accused Instrumentality performs that step of executing the template program specific to the user (*e.g.*, generating user-specific web page by executing a template program which is composed of code, instructions, and data) using the real-time information stored in the shared local storage device (*e.g.*, hotel deals, saved hotels, and advertisements pulled from external storage servers/databases and sent to a local lonelyplanet.com web/API server for processing and display) to generate the customized page. As shown above, a user's lonelyplanet.com page will be customized to show current hotel deals near the location from the user, and select saved hotels.

90. On information and belief, the Accused Instrumentality performs the step of receiving user preferences for the user (*e.g.*, user location, saved hotels, etc.), and for combining the user preferences with a generic template to form the template program specific to the user (*e.g.*, user-specific web page), wherein the user preferences indicate the items of interest to the user. On information and belief, the Accused Instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information

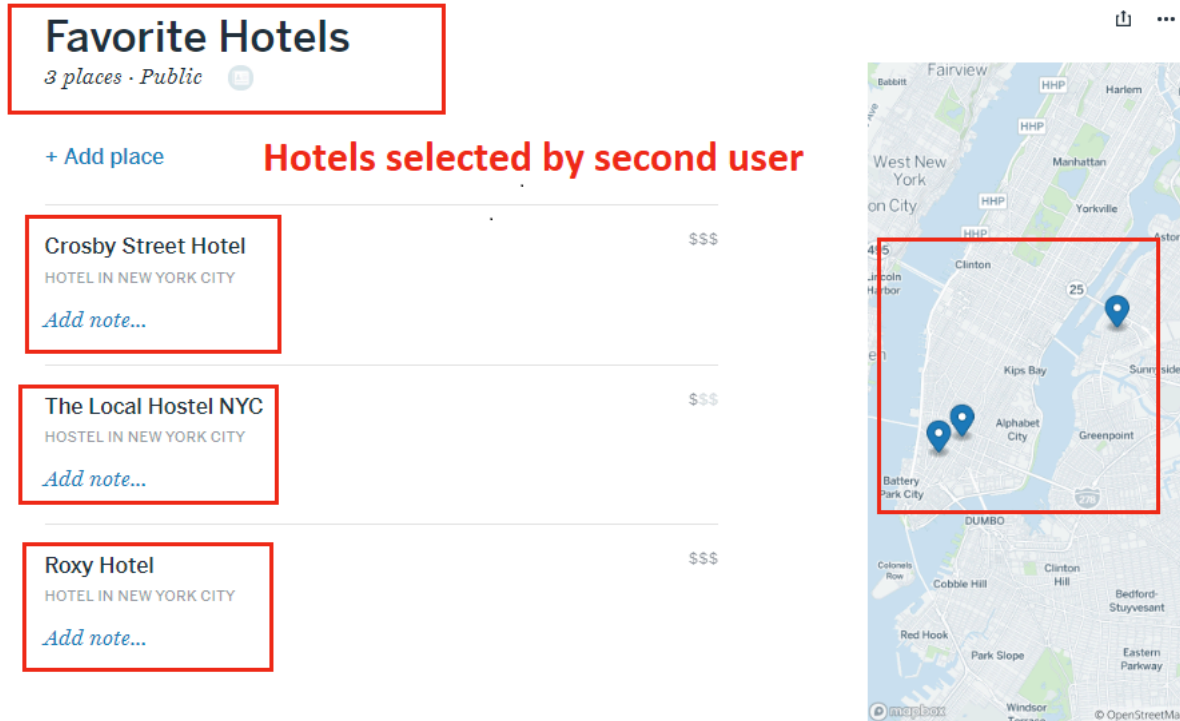
unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared among all users; however, the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a general template that only defines layout and adding the data to be displayed within the layout. For example, the following screenshots of two different users that have varying saved hotels and hotel deals displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as saved hotel) shows that the template program is varied so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

First User:



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Second User:



(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

91. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '359 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

92. On information and belief, Defendant has had at least constructive notice of the ‘359 patent by operation of law, and there are no marking requirements that have not been complied with.

VII. COUNT V
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,626,342)

93. Plaintiff incorporates the above paragraphs herein by reference.

94. On April 18, 2017, United States Patent No. 9,626,342 (“the ‘342 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘342 Patent is titled “Dynamic Page Generator.” The ‘342 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 891 days. (Ex. M). A true and correct copy of the ‘342 Patent is attached hereto as Exhibit M and incorporated herein by reference.

95. Digi Portal is the assignee of all right, title and interest in the ‘342 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘342 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘342 Patent by Defendant.

96. The application leading to the ‘342 patent was filed December 21, 2012, as a continuation of application no. 11/842,095, which was a continuation of application no. 11/656,636, which is a continuation of 09/393,718, which was a continuation of application no. 08/873,975, which issued as the ’227 patent. (Ex. M at cover).

97. The invention in the ‘342 patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:33-37).

98. The '342 patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25.

99. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1 and 7 of the '342 patent in Delaware, and elsewhere in the United States, by performing actions comprising performing the claimed method steps, including without limitation through the method implemented of providing a user's lonelyplanet.com page ("Accused Instrumentality"). The Accused Instrumentality practices the method of responding to a user request (*e.g.*, a user login request, search initiation, etc.) for a customized page (*e.g.*, a saved hotels and search pages on the lonelyplanet.com website). (*E.g.*, https://connect.lonelyplanet.com/oauth/authorize?client_id=foymu5r6sscxe&prompt=login&redirect_uri=https%3A%2F%2Fconnect.lonelyplanet.com%2Fsso&response_type=code&scope=openid&target_link_uri=https%3A%2F%2Fwww.lonelyplanet.com%2F;https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01).


100. On information and belief, the Accused Instrumentality performs the step of generating, via at least one server computer (*e.g.*, lonelyplanet.com server), a template program unique to the user (*e.g.*, a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user), the template program that is unique to the user being used to form the user's customized webpage, the template program that is unique to the user being generated using customization information unique to the user (*e.g.*, user location, saved hotels) and a global template that is generic to a plurality of users. On information and belief, the Accused Instrumentality uses a template program that is unique to the user to generate a customized webpage by combining

customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared among all users; however, the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a general template that only defines layout and combining the data selected based on customization information unique to the user to be displayed within the layout. For example, the following screenshots for two different users have varying current hotel deals displayed based upon the users' selected locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current hotel deals near a particular location).

First User:

[Top](#)
[Attractions](#)
[Hotels](#)
[Activities](#)
[Restaurants](#)
[Tours](#)
[Entertainment](#)

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast


 *Reviewed*

\$32

Superb 9.2 out of 100

Hostelworld

[VIEW](#)




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10

booking.com

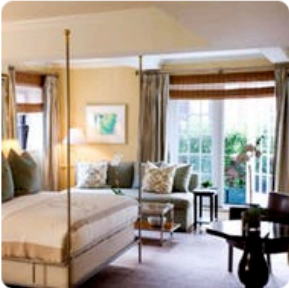
[VIEW](#)

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:

[Top](#) [Attractions](#) [Hotels](#) [Activities](#) [Restaurants](#) [Tours](#) [Entertainment](#) [↑](#)

New York City hotels, hostels and more




TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

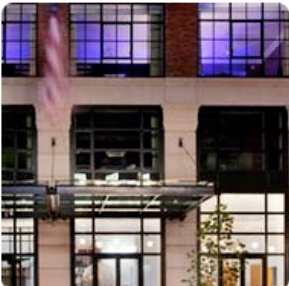
Free wifi

 *Reviewed*

\$875

Awesome 9.4 out of 10
booking.com

[VIEW](#)




TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

 *Reviewed*

\$925

Awesome 9.4 out of 10
booking.com

[VIEW](#)

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

101. For example, a user can also customize their lonelyplanet.com page by selecting hotels to save, so the corresponding hotels can be displayed.

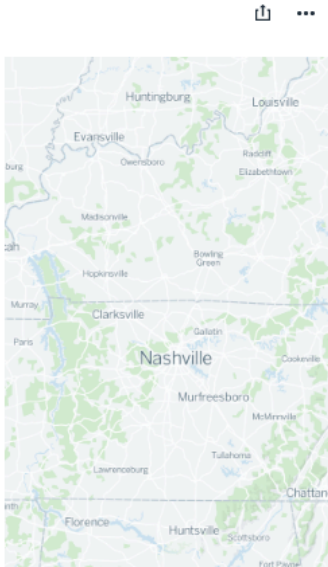
Favorite hotels

0 places · Private

+ Add place

Save places and organize your travel.

Hotels selected by first user



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Favorite hotels

4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

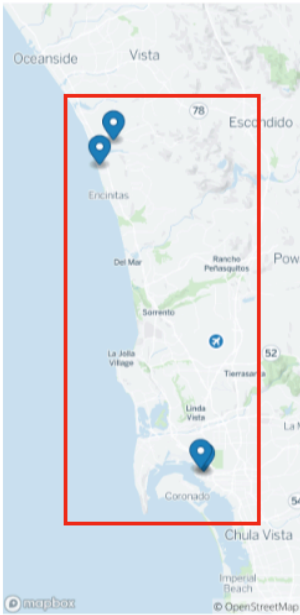
INN IN ENCINITAS

Add note...

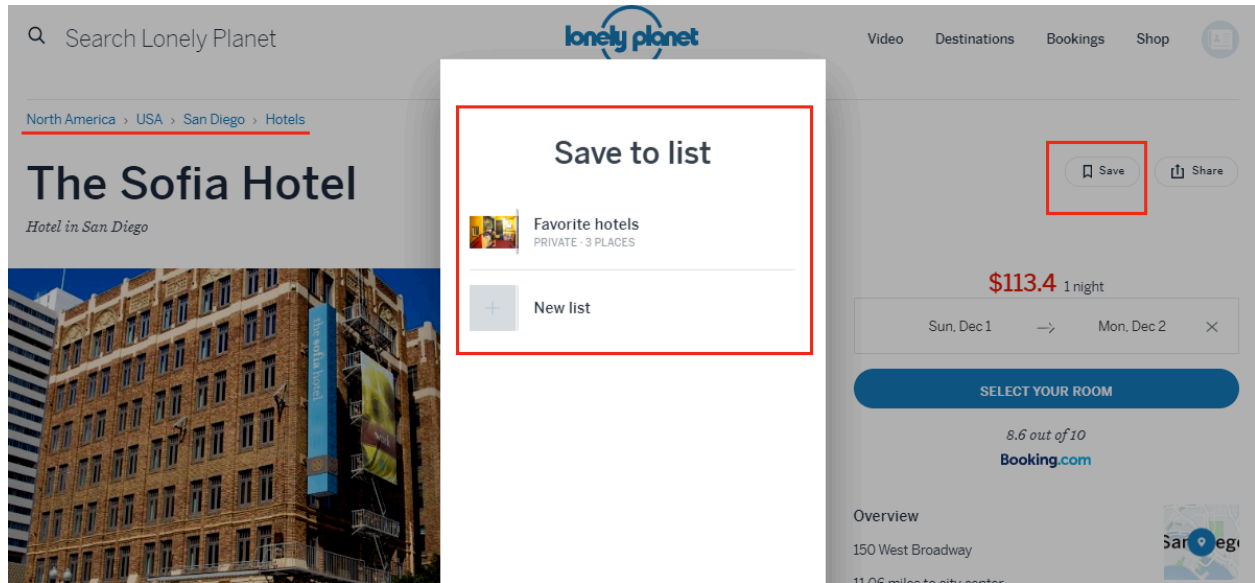
The Sofia Hotel

HOTEL IN SAN DIEGO

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).



(<https://www.lonelyplanet.com/usa/san-diego/hotels/the-sofia-hotel/a/lod/30351a88-b978-481a-b1fe-5e8a5bf782a0/361857> (for a particular user)).

First User:

Favorite hotels
4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego
HOSTEL IN SAN DIEGO
Add note...

\$\$\$

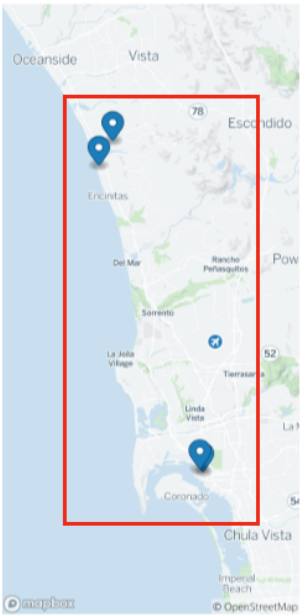
Park Hyatt Aviara
HOTEL IN CARLSBAD
Add note...

Leucadia Beach Inn
INN IN ENCINITAS
Add note...

\$\$\$

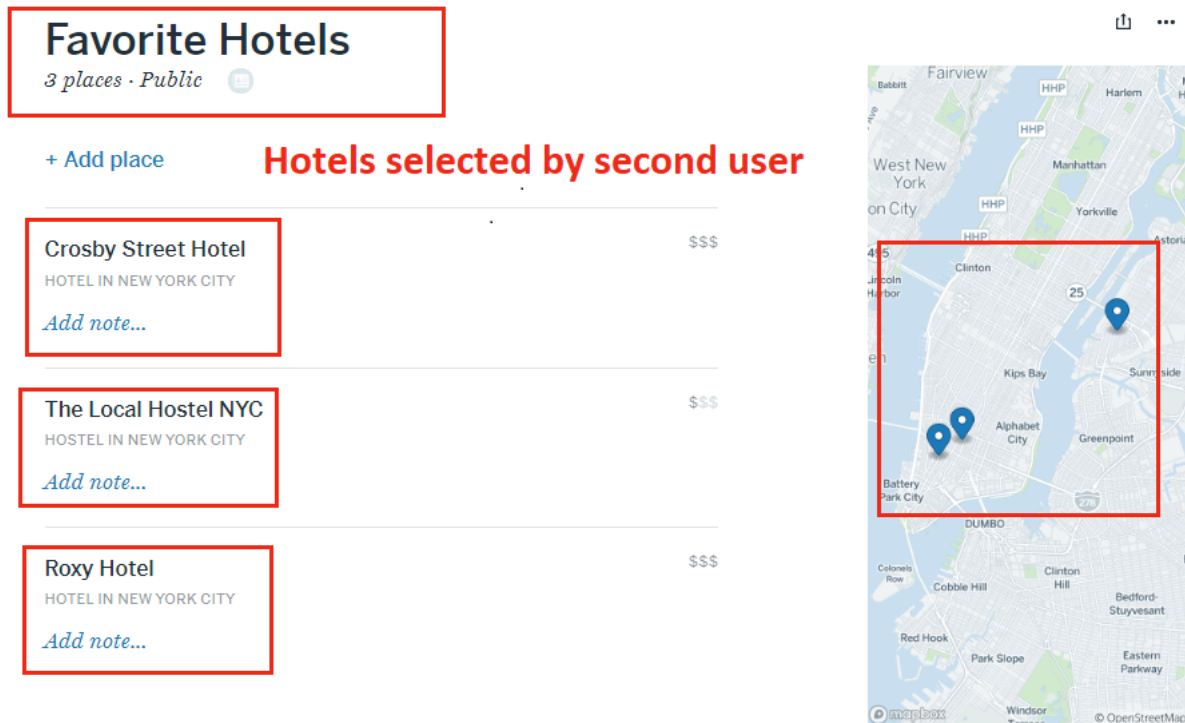
The Sofia Hotel
HOTEL IN SAN DIEGO
Add note...

\$\$\$



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae5-2607dd6a4791> (for a particular user)).

Second User:




(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

102. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (*e.g.*, lonelyplanet.com server), the user's template program (*e.g.*, instructions, code and data used to create a user webpage) to generate the user's customized web page, the user's customized web page including real-time information (*e.g.*, hotel deals, advertisements) selected for the user's customized web page based on the customization information unique to the user (*e.g.*, user location). For example, a user's lonelyplanet.com page will be customized to show current hotel deals near the location for the user.

First User:

TopAttractionsHotelsActivitiesRestaurantsToursEntertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast


 Reviewed

\$32

Superb 9.2 out of 100

Hostelworld

VIEW




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 Reviewed

\$239

Awesome 9.2 out of 10

booking.com

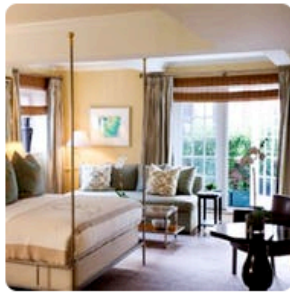
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

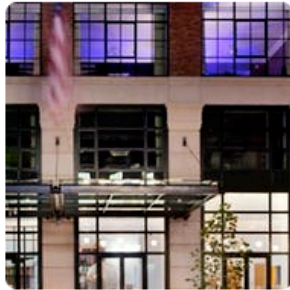
Free wifi

 Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

 Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

103. For example, a user can also customize their lonelyplanet.com page by selecting their hotels to save, so that saved hotels can be displayed.

First User:

Favorite hotels
4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

\$\$\$

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

\$\$\$

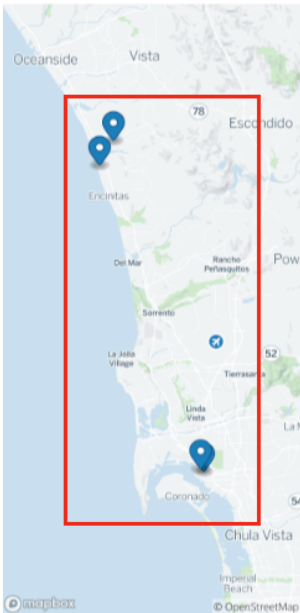
Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

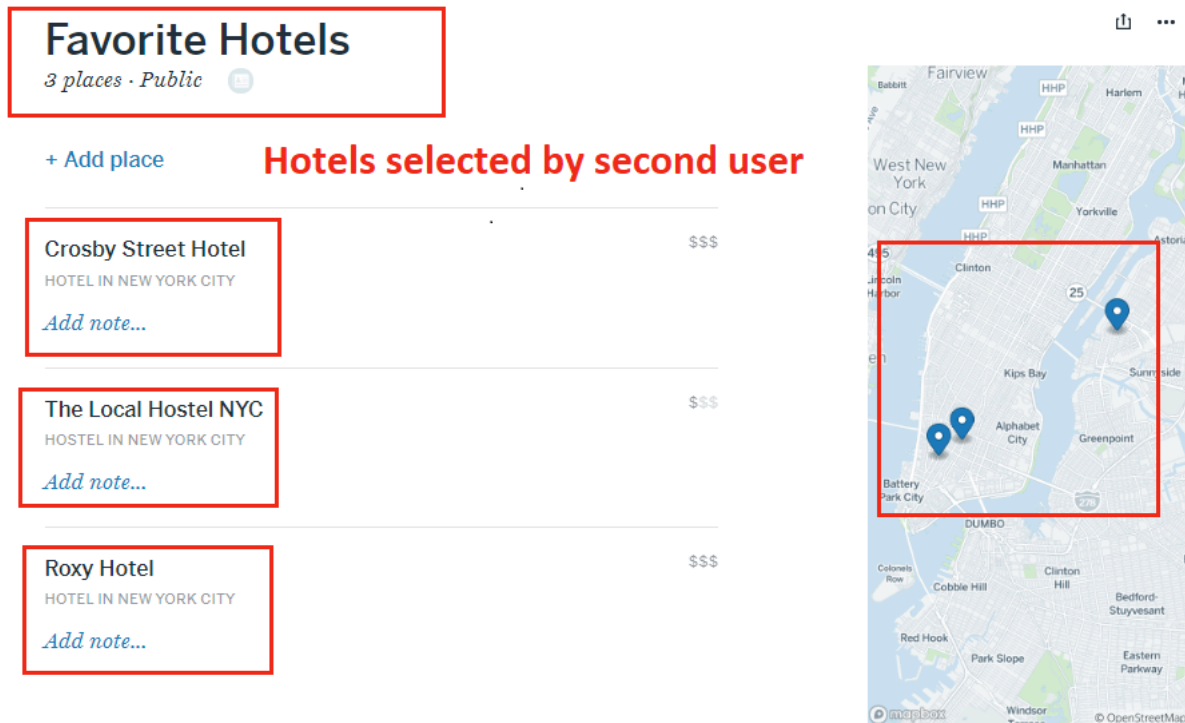
\$\$\$

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Second User:



(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

104. On information and belief, the Accused Instrumentality performs the step of in response to receiving a subsequent request for the user's customized web page (e.g., user login); receiving, via the at least one server computer (lonelyplanet.com server), the template program that is unique to the user from one of at least two locations (e.g., main storage at a lonelyplanet.com server or local storage on the user's device), the location determined from the frequency of the request for the user's customized web page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in a main storage wherein frequently accessed files will be stored in storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data)

creates the customized webpage. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site source code that is used in logic to display various available hotels, other site logic-based conditions. On information and belief, the template information can be stored in multiple locations: (1) at runtime, in source code with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies.

```
{action:r(e.action)}})),committedState:n(e.committedState),computedStates:e.computedStates.map(function(e)
){return i({},e,{state:n(e.state)}})}))}}var n=arguments.length>1&&void 0!==arguments[1]?
arguments[1]:c.default,r=arguments.length>2&&void 0!==arguments[2]?arguments[2]:c.default;return e?
function(n){return function(r,o,a){var u="redux-dev-session-"+e,s=void 0;try{var
c=localStorage.getItem(u);c&&(s=t(JSON.parse(c))||o,n(r,o))}catch(e){console.warn("Could not read debug
session from localStorage:",e);try{localStorage.removeItem(u)}finally{s=void 0}}var l=n(r,s,a);return
i({},l,{dispatch:function(e)
{l.dispatch(e);try{localStorage.setItem(u,JSON.stringify(l.getState()))}catch(e){console.warn("Could not
write debug session to localStorage:",e)}return e}})}:function(e){return function(){return e.apply(void
0,arguments)}}}t.__esModule=!0;var i=Object.assign||function(e){for(var t=1;t<arguments.length;t++){var
n=arguments[t];for(var r in n)Object.prototype.hasOwnProperty.call(n,r)&&(e[r]=n[r])}return
```

(<https://assets.lonelyplanet.com/dotcom-profile/vendor.3cf549d32219632ed14f.js> (for a particular user)).

```
<link rel="stylesheet" href="https://assets.lonelyplanet.com/assets/common.bb824fb83a5899347cc0.css" />

<script type="text/javascript">
window.__initialState = {"pois":{"initial":null,"cache":{},"next":"","nearby":{},"list":{"items":
[{"id":"hostel_world,823,2019-12-01,2019-12-02","type":"availability","links":{"available":{"from":"2019-12-
01","to":"2019-12-02"},"offerings":[{"cost":{"amount":32,"currency":"USD"},"description":
{"long":"","short":"","max_occupancy":null},"cost":{"amount":47.5,"currency":"USD"},"description":
{"long":"","short":"","max_occupancy":null}],perks:["free wifi","free
```


([view-source:https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01](https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01) (for a particular user)).

105. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., lonelyplanet.com server), the received template program that is unique to the user (e.g., instructions, code, and data that is executed to create a customized user webpage) to generate the user's customized web page, the user's customized web page including real-time information (e.g., hotel listings and advertisements)

selected for the user's customized web page in response to the subsequent request (*e.g.*, user login, search initiation, etc.) and based on the customization information unique to the user (*e.g.*, user location, saved hotels).

Top
Attractions
Hotels
Activities
Restaurants
Tours
Entertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast


 *Reviewed*

\$32

Superb 9.2 out of 100

Hostelworld

VIEW




HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

Free wifi

 *Reviewed*

\$239

Awesome 9.2 out of 10

booking.com

VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).


106. For example, a user's lonelyplanet.com page will also be customized to show saved hotel near the location selected by the user.

First User:

86

- Top
- Attractions
- Hotels
- Activities
- Restaurants
- Tours
- Entertainment

San Diego hotels, hostels and more




TOP CHOICE HOSTEL

USA Hostels San Diego

Located in San Diego — 11.07 miles from city center

Free wifi • Free breakfast

 *Reviewed*

\$32

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Hostelworld

VIEW



HOTEL

Tower 23 Hotel

Located in San Diego — 12.43 miles from city center

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 *Reviewed*

\$239

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booking.com

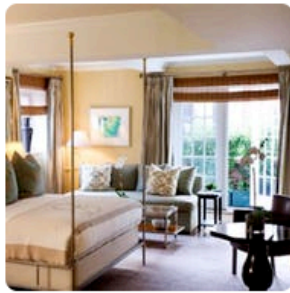
VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:



New York City hotels, hostels and more



TOP CHOICE HOTEL

Lowell Hotel

Located in Upper East Side — 1.13 miles from city center

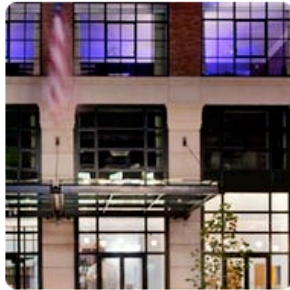
Free wifi

 Reviewed

\$875

Awesome 9.4 out of 10
booking.com

VIEW



TOP CHOICE HOTEL

Crosby Street Hotel

Located in SoHo & Chinatown — 0.19 miles from city center

Free wifi

 Reviewed

\$925

Awesome 9.4 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

107. For example, a user can also customize their lonelyplanet.com page by selecting saved hotels, so the saved hotels can be displayed.

First User:

Favorite hotels
4 places · Private

+ Add place

Hotels selected by first user

USA Hostels San Diego

HOSTEL IN SAN DIEGO

\$\$\$

Add note...

Park Hyatt Aviara

HOTEL IN CARLSBAD

Add note...

Leucadia Beach Inn

INN IN ENCINITAS

\$\$\$

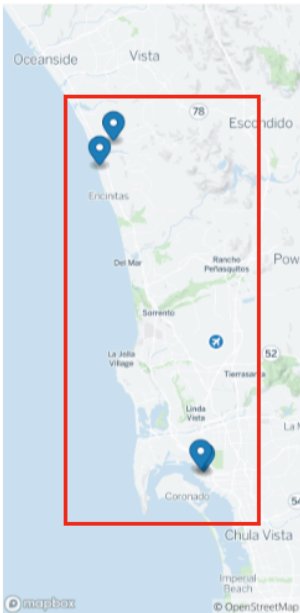
Add note...

The Sofia Hotel

HOTEL IN SAN DIEGO

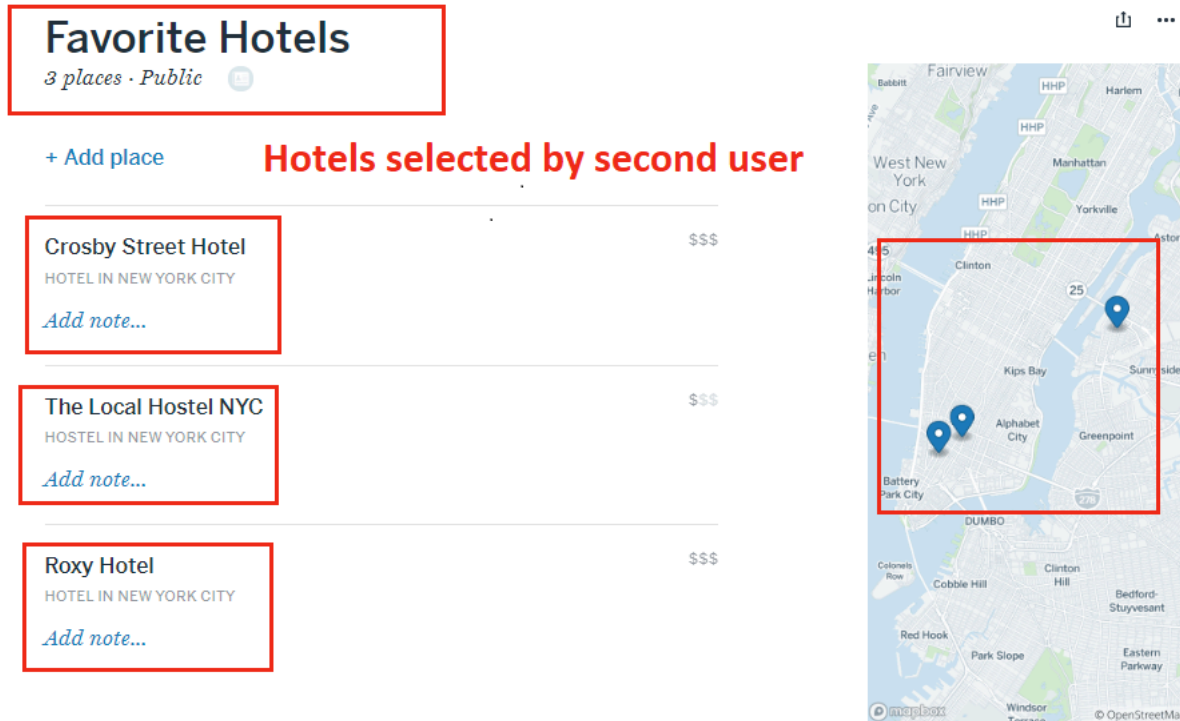
\$\$\$

Add note...



(<https://www.lonelyplanet.com/profile/firstusername/lists/a9d2c397-e61b-4110-ae55-2607dd6a4791> (for a particular user)).

Second User:




(<https://www.lonelyplanet.com/profile/secondusername/lists/c6fcf2e9-e010-414e-a4f3-0e4fd8292634> (for a particular user)).

108. On information and belief, the Accused Instrumentality performs the step of serving, via the at least one server computer (*e.g.*, lonelyplanet.com server), the user's customized web page (*e.g.*, webpage customized for a user with current hotel deals near the location, saved hotels, and customized advertisements). (*E.g.*, screenshots in paragraph 107).

109. On information and belief, the Accused Instrumentality performs the step of providing a customized page to the user (*e.g.*, a user's lonelyplanet.com page with integrated advertisements) wherein the user template comprises advertisement selection information for use in selecting one or more advertisements for inclusion in the user's customized web page in addition to real-time information selected for the user's web page (*e.g.*, the code for the webpage

will include code that allows for the insertion of target advertisements into a user's customized web page which contains real time information such as current hotel deals).

First User:




RESORT

Paradise Point Resort & Spa

Located in San Diego — 11.89 miles from city center

Free wifi • Pool

 *Reviewed*

Advertisement


\$149

Very good 8.2 out of 10
booking.com

VIEW


ROCKET BOY

A SERIES OF EXTRAORDINARY STORIES



LEARN MORE

Abu Dhabi




RESORT

Temecula Creek Inn

Located in Temecula — 1.88 miles from city center

Free wifi • Pool

 *Reviewed*

UNAVAILABLE


Please modify your
filter selection.

Very good 8.1 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/san-diego/hotels/a/lod/361857?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

Second User:




TOP CHOICE HOTEL

Roxy Hotel

Located in Financial District & Lower Manhattan —
1.01 miles from city center

Free wifi

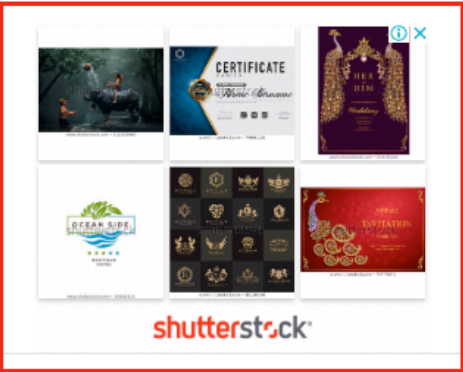
 *Reviewed*


\$199

Very good 8.9 out of 10
booking.com

VIEW

Advertisement






TOP CHOICE HOTEL

Quin

Located in Midtown — 0.30 miles from city center

Free wifi

 *Reviewed*

\$299

Very good 8.6 out of 10
booking.com

VIEW

(<https://www.lonelyplanet.com/usa/new-york-city/hotels/a/lod/362079?endDate=2019-12-02&startDate=2019-12-01> (for a particular user)).

110. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '342 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

111. On information and belief, Defendant has had at least constructive notice of the '342 patent by operation of law, and there are no marking requirements that have not been complied with.

VIII. JURY DEMAND

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 8,352,854 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 5,983,227 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that one or more claims of United States Patent No. 7,171,414 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- d. Judgment that one or more claims of United States Patent No. 7,565,359 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- e. Judgment that one or more claims of United States Patent No. 9,626,342 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- f. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;
- g. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and

- h. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

December 24, 2019

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